



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: August 1, 2007

Time: Closed Session 5:45 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- b) Pursuant to Government Code §54956.9(c); Conference with Legal Counsel; Anticipated Litigation/Initiation of Litigation; One Potential Case; City of Lodi v. Pacific Gas & Electric
- c) Actual Litigation: Government Code §54956.9(a); One Case; County of San Joaquin v. City of Stockton et al., San Joaquin County Superior Court, Case No. CV029651
- d) Prospective Acquisition of Real Property Located at 541 East Locust Street, Lodi, California (APN 043-202-14); the Negotiating Parties are City of Lodi and Pete Perlegos; Government Code §54956.8

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Dale Edwards, Century Assembly

C. Pledge of Allegiance

D. Presentations

- D-1 Awards – None
- D-2 Proclamations
 - a) National Night Out 2007 (PD)
- D-3 Presentations – None

E. Consent Calendar (Reading; Comments by the Public; Council Action)

- E-1 Receive Register of Claims in the Amount of \$7,045,068.64 (FIN)
- E-2 Approve Minutes (CLK)
 - a) July 17, 2007 (Shirtsleeve Session)
 - b) July 19, 2007 (Special Joint Meeting w/RDA and Lodi Planning Commission)

- Res. E-3 Adopt Resolution Authorizing the Procurement of Emergency Generator from Holt of California (Caterpillar), of Stockton (Not to Exceed \$36,200) (EUD)
- Res. E-4 Adopt Resolution Awarding the Purchase of Padmount Transformers (\$200,330.96) (EUD)
- Res. E-5 Adopt Resolution Awarding the Contract for Security Services at the Lodi Station and Lodi Station Parking Structure to Securitas Security Services USA, Inc., of Fresno (Estimated Three-Year Cost: \$198,000) (PW)
- Res. E-6 Adopt Resolution Awarding the Contract for Citywide School Safety Signage Project to Farwest Safety, Inc., of Lodi (\$81,918.50), and Appropriating Funds (\$88,000) (PW)
- E-7 Accept Improvements under Contract for the Domestic Outfall Sewer Pipeline Condition Assessment Project (PW)
- E-8 Accept Improvements under Contract for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard Project (PW)
- Res. E-9 Adopt Resolution Authorizing the City Manager to Renew the Agreement between San Joaquin County Data Processing and the City of Lodi Police Department (Estimated Annual Cost \$10,358.92) (PD)
- Res. E-10 Adopt Resolution Authorizing the City Manager to Execute a Contract between the City of Lodi and Lodi Memorial Hospital for Operation of the Adult Day Care Program and the Camp Hutchins Children's Day Care Program at Hutchins Street Square (COM)
- Res. E-11 Adopt Resolution Amending Traffic Resolution 97-148 by Approving a Reduction of Speed Limit on Lower Sacramento Road from South City Limits to 1,300 Feet South of Kettleman Lane from 55 Miles per Hour to 50 Miles per Hour (PW)
- Res. E-12 Adopt Resolution Amending Traffic Resolution No. 97-148 to Authorize Public Works Director to Establish Terminal Access Routes (PW)
- Res. E-13 Adopt Resolution Authorizing the City Manager to Allocate \$42,000 in Public Benefit Program Funds for the Lodi CARE Package Program and Execute a Contract with the Lodi Salvation Army to Administer this Program (EUD)
- Res. E-14 Adopt Resolution Authorizing the City Manager to Allocate a Combined \$39,971 in Public Benefit Program Funds to Extend for One Year the Lodi LivingWise Program and the Lodi Solar Schoolhouse Project and Execute Contracts with the Resource Action Programs (Lodi LivingWise Program) and The Rhaus Institute (Lodi Solar Schoolhouse Project) to Assist in Coordinating these Educational Programs (EUD)
- Res. E-15 Adopt Resolution Authorizing the City Manager to Allocate Public Benefit Program Funds to Five Energy Efficiency Rebate Programs for the 2007-08 Fiscal Year (\$250,000) (EUD)
- Res. E-16 Adopt Resolution Adding a Position (Fire Plans Examiner) and Appropriating \$80,000 in the Community Development Department (CM)
- Res. E-17 Adopt Resolution Amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the period of July 1, 2007 through September 30, 2011 (CM)
- Res. E-18 Adopt Resolution Disbanding the Animal Shelter Task Force, Adopt Resolution Creating and Establishing Guidelines for the Lodi Advisory Animal Commission, and Directing the City Clerk to Post for the Seven Terms on the Newly Created Commission (CLK)
- Res. E-19 Adopt Resolution Approving the Balance of the Approved People Assisting Lodi Shelter (PALS) Public Art Project and Appropriating \$3,434 (COM)
- E-20 Set Public Hearing for September 5, 2007, to Receive Comments on and Consider Accepting the City of Lodi's Report on Water Quality Relative to Public Health Goals (PW)

F. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on Non-Agenda Items

H. Comments by the City Manager on Non-Agenda Items

I. Public Hearings

- Res. I-1 Public Hearing to Consider the Planning Commission's Recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan (CD)

NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

- Res. I-2 Public Hearing to Consider Adoption of Resolution Levying Annual (2008) Assessment for Downtown Lodi Business Improvement Area No. 1 and Confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (as Approved by Council on July 18, 2007) (CM)

J. Communications

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments – None

J-3 Miscellaneous – None

K. Regular Calendar

K-1 Receive Progress Report on the City of Lodi General Plan Update (CD)

K-2 Consider Request from Van Ruiten Family Winery to Waive a \$40,000 Late Performance Charge Associated with the Opening of a Downtown Tasting Room (CM)

- Res. K-3 Adopt Resolution Declaring the City of Lodi's Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness for Wastewater Projects (PW)

K-4 Authorize Funds from the Protocol Account for the City Council to Host a Reception Honoring Members of Council-Appointed Boards, Commissions, Committees, and Task Force Groups (Approximately \$2,600 / \$20 Per Person) (CLK)

L. Ordinances

- Ord. L-1 Adopt Ordinance No. 1800 Entitled, "An Ordinance of the City Council of the City of Lodi
(Adopt) Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, 'Vending on Streets and Sidewalks,' by Repealing and Reenacting Chapter 9.18, 'Vending on Streets, Sidewalks, and Private Property'" (CLK)

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl, City Clerk



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Night Out 2007 Proclamation

MEETING DATE: August 1, 2007

PREPARED BY: Jerry J. Adams, Chief of Police

RECOMMENDED ACTION: That Mayor Johnson proclaim Tuesday, August 7, 2007 as "National Night Out 2007".

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming August 7, 2007 as "National Night Out 2007" in the City of Lodi. Police Chief Jerry Adams and Crime Prevention Officer Andrea Patterson of the Lodi Police Department will be present to accept the proclamation.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Jerry J. Adams
Chief of Police

JJA:sm
cc: City Attorney

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated July 5, and July 12, 2007 in the Total Amount of \$7,045,068.64.

MEETING DATE: August 1, 2007

PREPARED BY: Financial Services Manager

RECOMMENDED ACTION: Receive the attached Register of Claims for \$7,045,068.64.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$7,045,068.64 dated 7/05/07, and 7/12/07. Also attached is Payroll in the amount of \$1,175,916.22.

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable
Council Report

Page - 1
Date - 07/18/07
Amount

As of Thursday	Fund	Name	Amount
07/05/07	00100	General Fund	402,082.33
	00160	Electric Utility Fund	3,408,262.74
	00164	Public Benefits Fund	101.46
	00170	Waste Water Utility Fund	4,857.34
	00172	Waste Water Capital Reserve	63,266.58
	00180	Water Utility Fund	2,401.90
	00182	IMF Water Facilities	28,351.24
	00210	Library Fund	8,682.49
	00260	Internal Service/Equip Maint	4,307.11
	00270	Employee Benefits	387,872.94
	00310	Worker's Comp Insurance	27,978.32
	00321	Gas Tax	18,637.73
	00325	Measure K Funds	1,600.00
	00340	Comm Dev Special Rev Fund	28,259.09
	00501	Lcr Assessment 95-1	1,339.50
	00502	L&L Dist Z1-Almond Estates	1,213.33
	00503	L&L Dist Z2-Century Meadows I	1,018.33
	00506	L&L Dist Z5-Legacy I,II,Kirst	1,538.34
	00507	L&L Dist Z6-The Villas	1,740.00
	01250	Dial-a-Ride/Transportation	21,207.87
	01410	Expendable Trust	8,901.80
Sum			4,423,620.44
	00184	Water PCE-TCE-Settlements	2,278.89
Sum			2,278.89
Total for Week			
Sum			4,425,899.33

		Accounts Payable	Page	-	1
		Council Report	Date	-	07/18/07
As of	Fund	Name	Amount		
Thursday					
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07/12/07	00100	General Fund	928,840.81		
	00123	Info Systems Replacement Fund	4,347.00		
	00160	Electric Utility Fund	6,670.65		
	00164	Public Benefits Fund	16,433.55		
	00170	Waste Water Utility Fund	13,745.38		
	00172	Waste Water Capital Reserve	1,014,532.20		
	00180	Water Utility Fund	303,145.00		
	00210	Library Fund	4,489.95		
	00260	Internal Service/Equip Maint	28,873.81		
	00270	Employee Benefits	27,810.15		
	00300	General Liabilities	38,514.11		
	00321	Gas Tax	5,945.71		
	00340	Comm Dev Special Rev Fund	2,418.31		
	01211	Capital Outlay/General Fund	456.61		
	01218	IMF General Facilities-Adm	55,591.97		
	01250	Dial-a-Ride/Transportation	142,838.59		
	01410	Expendable Trust	24,515.51		

Sum			2,619,169.31		

Total for Week					
Sum			2,619,169.31		

Council Report for Payroll

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Date

- 07/18/07

Payroll	Pay Per Date	Co	Name	Gross Pay
			-	
Regular	07/01/07	00100	General Fund	804,610.83
		00160	Electric Utility Fund	136,275.17
		00164	Public Benefits Fund	5,162.00
		00170	Waste Water Utility Fund	69,213.04
		00180	Water Utility Fund	10,227.90
		00210	Library Fund	32,626.71
		00235	LPD-Public Safety Prog AB 1913	4,193.71
		00260	Internal Service/Equip Maint	18,623.06
		00321	Gas Tax	53,953.26
		00340	Comm Dev Special Rev Fund	37,915.98
		01250	Dial-a-Ride/Transportation	3,114.56
			Pay Period Total:	
Sum				1,175,916.22



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) July 17, 2007 (Shirtsleeve Session)
b) July 19, 2007 (Special Joint Meeting w/RDA and Lodi Planning Commission)

MEETING DATE: August 1, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Approve the following minutes as prepared:
a) July 17, 2007 (Shirtsleeve Session)
b) July 19, 2007 (Special Joint Meeting w/RDA and Lodi Planning Commission)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through B.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JULY 17, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, July 17, 2007, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

B-1 "Presentation of the City of Lodi Internet Website Policy"

Communications Specialist Jeff Hood provided an overview of the proposed Internet Website Policy. General topics of discussion included contents, purposes, disclosures, privacy, external links, City calendar, legal notice, accessibility, hyperlinks, commercial use, copyright, public comments, and warranties.

In response to Mayor Johnson, City Manager King stated the Library is unique in that it is an information dissemination source. He stated the Library carries newspapers, magazines, and other informational sources and the City's website will continue to be linked to the Library's website.

In response to Mayor Pro Tempore Mounce, Mr. Hood stated the City owns the www.ci.lodi.ca.us domain name. Mayor Pro Tempore Mounce stated she liked the idea of having a "for fee" business link element to the website as a revenue source for the City.

Discussion ensued between Mayor Pro Tempore Mounce and City Manager King regarding the evolvement of the website, distinguishing between non-profits for linkage purposes, the possibility of opening up an online public forum for multiple businesses and organizations, and email communications. City Attorney Schwabauer stated email is not considered legal notice under California law at the present time.

In response to Mayor Johnson, Mr. Hood stated Waste Management would be linked to the website because the company provides services on behalf of the City and a link would be appropriate.

Discussion ensued between Mayor Johnson, Mayor Pro Tempore Mounce, and Mr. Hood regarding one-stop shopping through the City's website versus utilizing a search engine and making a policy decision on which links will and will not be allowed.

Mayor Pro Tempore Mounce suggested reviewing the Stockton website as a business model.

In response to Council Member Hansen, City Manager King stated Mr. Hood will monitor the website as this task is traditionally handled by that position.

In response to Council Member Hansen, Mr. Hood stated the website could list a directory of sorts for various services without link ability, but a decision would still need to be made as to which services will be listed.

In response to Council Member Hansen, City Manager King stated staff is still working on the ability to register for classes online. He stated the program will likely come from the departments and the Information Systems Division (ISD).

In response to Mayor Pro Tempore Mounce, City Attorney Schwabauer stated the duplication of public records is permissible.

In response to Myrna Wetzel, Mr. Hood stated minutes are available on the website.

In response to Council Member Hansen, Mr. Hood stated staff is looking into an online program to track and monitor citizen complaints on the City's website.

In response to Council Member Katzakian, City Manager King stated citizen complaints would be routed through Mr. Hood and there are several advantages to this type of automatic tracking program.

Mayor Pro Tempore Mounce stated she is not routinely receiving her email and requested ISD look into the same.

In response to Council Member Katzakian, Mr. Hood stated he is not aware of any links to Lodi Memorial Hospital or additional senior services.

PUBLIC COMMENTS:

- In response to Myrna Wetzel, Mr. Hood stated the concerns regarding graffiti could be reported on the telephone hotline or submitted via the online complaint program.
- Keith Colgan spoke against the proposed policy based on his concerns regarding the need for external links, fair and reasonable application of any policy, a separate policy for the Library, the Centennial website link, and a sample link policy from the city of El Paso. In response to Council Member Hansen, Mr. Colgan stated he is requesting links be provided from the City's website to his website with respect to archived Police Department and Senior Services articles.

City Attorney Schwabauer stated the Library is a special entity because it is formed by a vote of the people, governed by a Board of Trustees, and operates pursuant to the Education Code. He stated it is also unique in its function in that its main purpose is information dissemination.

Discussion ensued between Mayor Johnson, Mayor Pro Tempore Mounce, Council Member Hansen, City Manager King, and Mr. Hood regarding the potential of a fee-based policy, links to the Chamber of Commerce, implied endorsements of a commercially oriented website, City services and goals for the website, ability to limit content, and the need for a policy decision regarding the same.

City Manager King stated the item will be pulled off the July 18, 2007, agenda to allow for further consideration of the item.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:29 a.m.

ATTEST:
Randi Johl
City Clerk

**LODI CITY COUNCIL
SPECIAL JOINT CITY COUNCIL MEETING
WITH THE REDEVELOPMENT AGENCY
AND THE LODI PLANNING COMMISSION
BOYS AND GIRLS CLUB, 275 E. POPLAR STREET
THURSDAY, JULY 19, 2007**

A. CALL TO ORDER / ROLL CALL

The Special Joint City Council meeting with the Redevelopment Agency and the Lodi Planning Commission of July 19, 2007, was called to order by Mayor Johnson at 6:08 p.m.

Present: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – Hitchcock

Present: Redevelopment Agency Members – Hansen, Katzakian, Mounce, and
Chairperson Johnson

Absent: Redevelopment Agency Members – Hitchcock

Present: Planning Commissioners – Hennecke, Kirsten, Kiser, Kuehne, Moran, and
Chairperson Mattheis

Absent: Planning Commissioners – Cummins and White

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. TOPIC(S)

- B-1 “Consider Presentation on Tax Increment and Redevelopment with Possible Action by the City Council/Redevelopment Agency to Direct the City Manager/Executive Director to Enter into Professional Service Agreements for the Purpose of Conducting Various Tasks over Time Related to Establishing a Redevelopment Project Area”

Mayor Johnson called the meeting to order and briefly introduced the subject matter.

City Manager King provided a brief overview of the subject matter of redevelopment. Specific topics of the PowerPoint presentation included redevelopment introduction, objectives for consideration, how tax increment works and is divided, redevelopment project area and related processes, and debt.

James Marshall, City Manager of the city of Merced, provided a brief PowerPoint presentation regarding redevelopment examples from Merced. Specific topics of discussion included a redevelopment overview, how redevelopment can be used, techniques, funding, tax increment, and the processes associated with redevelopment, including plan adoption.

Kurt Hahn, former City Manager of Healdsburg, provided a brief presentation regarding his experience with redevelopment in the city of Healdsburg. Specific topics of discussion included, but were not limited to, successes in Healdsburg, three hotels, two major industrial buildings, job generation, wine tourism connection, assistance for existing small businesses, sidewalk improvements, landscape additions, building façade uplifts, business involvement throughout the city, Council concerns regarding older buildings, neighborhood revitalization efforts, senior housing projects, rental projects, business services, employment related opportunities, non-use of eminent domain, business attraction, and the overall effect of redevelopment in Healdsburg.

Several members of the audience asked questions. The questions pertained to interest rate charges for borrowed money, affect of redevelopment on school districts, size of redevelopment area, survey process to evaluate redevelopment area of project, Cherokee Lane concerns and application of proposed redevelopment project area, previously proposed redevelopment project area, previous efforts and eminent domain possibilities, committee and community involvement, citizen representation in the process, process regarding development of the project area and designation of the same, request to exclude certain

locations such as the Grape Bowl and nearby parks, request to assist Cherokee Lane and provide assistance regarding the same, accountability concerns, levels of government, collection efforts for tax increment, and other redevelopment success levels in other cities.

City Manager King provided an overview of the process associated with determining the project area and explained local and state legislation efforts regarding eminent domain.

City Attorney Schwabauer provided an overview of the legal theory regarding eminent domain. Specific topics of discussion included, but were not limited to, constitutional application, police power outside of the Constitution, existing state law regarding intention declaration, the inability to change eminent domain options after intention declaration, and the referendum process.

Endorsements of the matter were received verbally at the meeting by representatives and in writing by the following agencies: Lodi Unified School District, Lodi Conference and Visitors Bureau, Chamber of Commerce, and Hispanic Chamber of Commerce.

Final comments of general support were provided by the City Council and Planning Commission.

MOTION / VOTE:

The Redevelopment Agency, on motion of Chairperson Johnson, Hansen second, adopted Resolution No. RDA2007-02 authorizing the City Manager/Executive Director to execute the following professional service agreements for the purpose of conducting various tasks related to forming a Redevelopment Project Area.

- Fraser & Associates – tasks related to financial analysis and feasibility (not to exceed \$40,500);
- Stradling Yocca Carlson & Rauth – special legal counsel (not to exceed \$37,750); and
- GRC Consultants – Environmental Impact Report, preparation of reports and documents, and conditions analysis (not to exceed \$177,000).

The motion carried by the following vote:

Ayes: Members – Hansen, Katzakian, Mounce, Johnson

Noes: Members – None

Absent: Members – Hitchcock

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:17 p.m.

ATTEST:

Randi Johl
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the Procurement of Emergency Generator from Holt of California (Caterpillar) of Stockton, CA (Not to Exceed \$36,200) (EUD)

MEETING DATE: August 1, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the procurement of emergency generator from Holt of California (Caterpillar) of Stockton, CA (not to exceed \$36,200).

BACKGROUND INFORMATION: On July 16, 2007 during a regular inspection and test run, the emergency generator failed to start immediately. The generator started after several tries and was observed to be using excessive oil. On July 18, 2007, mechanics inspected the emergency generator and changed oil. Water was found mixed with the oil that was drained and there were traces of oil leaks from the generator on the concrete slab. The unit has been in operation for approximately 25 years.

During emergency outages involving Henning Substation, the generator is used to serve power to EUD's control room and other essential loads. It provides power to EUD's SCADA System (Supervisory Control and Data Acquisition System) so Operators can monitor other substation facilities like McLane, Killelea and Industrial. The emergency generator is critical to EUD Operations Center and it is a requirement for safe and secure power utility operations.

This emergency generator would be purchased from Holt of California (Caterpillar) as sole source procurement. This is consistent with the "Standardization of Standby Electric Generator Systems" for Public Works Department as approved by the City Council on February 19, 2003 that all future standby generators will be Caterpillar. Such standardization simplifies maintenance, reduces spare part inventory costs, lessens the need for special tools and reduces the cost of maintenance training.

Lodi Municipal Code, Section 3.20.070, Bidding, "...when the City Council determines that the purchase or method of purchase would be in the best interests of the city", is the basis for this action.

FISCAL IMPACT: The generator price is not \$36,200.

FUNDING AVAILABLE: Account No. 161354

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Manager, Engineering & Operations
GFM/DB/lst

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE PURCHASE OF AN EMERGENCY
GENERATOR FOR ELECTRIC UTILITY DEPARTMENT
OPERATIONS CONTROL CENTER, AND FURTHER
APPROVING STANDARDIZING CATERPILLAR FOR
ANY SUCH PURCHASES

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WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the Electric Utility Department Operations Center emergency generator has been in operation for approximately 25 years; and

WHEREAS, during a recent inspection and test run, the emergency generator failed to start immediately, and ran after several tries and was observed to be using excessive oil; and

WHEREAS, during emergency outages involving Henning Substation, the generator is used to serve power to the control room and other essential loads, and also provides power to the SCADA System so the Operators would be able to monitor the other substation facilities like McLane, Killelea and Industrial; and

WHEREAS, the emergency generator is critical to the Electric Utility Department Operations Center and it is a requirement for safe and secure power utility operations, and with the planned modification of the Operations Control Center, a new replacement generator would be adequately sized to serve added load and interface with the updated SCADA System for remote control and monitoring; and

WHEREAS, staff recommends the sole-source purchase of a Diesel Fueled, Model No. D80-4 Caterpillar Emergency Generator from Holt of California at a cost not to exceed \$36,200; and

WHEREAS, staff further recommends Standardization of Caterpillar Generators by the Electric Utility Department to fall in line with the Public Works Department standardization as approved by the City Council on February 19, 2003, as this standardization simplifies maintenance, reduces parts inventory costs, lessens the need for special tools and reduces the cost of maintenance training.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the sole-source purchase of a new Diesel Fueled, Model #D80-4 Caterpillar Emergency Generator from Holt of California, of Stockton, California, at a cost not to exceed \$36,200 for the Electric Utility Department Operations Control Center; and

BE IT FURTHER RESOLVED, that the City Council further approves standardization of Caterpillar Generators for the Electric Utility Department.

Dated: August 1, 2007

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I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding the Purchase of Padmount Transformers (\$200,330.96) (EUD)

MEETING DATE: August 1, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution awarding the bids for the purchase of padmount transformers to the bidders whose proposals and equipment meet City of Lodi specifications, and whose transformers are expected to yield the lowest life-cycle costs.

BACKGROUND INFORMATION: On May 16, 2007, the City Council authorized the Electric Utility Department (EUD) to advertise for bids as necessary to meet the EUD's needs for padmount transformers through the fiscal year.

On July 1, 2007, bids were opened for nine sizes of padmount transformers, and life-cycle costs were evaluated (Life-cycle costs are the combined total purchase price plus cost of operation based on estimated power loss during the projected life of the transformer).

7 each 37.5kVA, 1-Ph	HEES Enterprises, Inc.	\$14,089.39
8 each 50kVA, 1-Ph	HEES Enterprises, Inc.	17,636.52
6 each 75kVA, 1-Ph	HEES Enterprises, Inc.	18,050.28
3 each 150kVA, 3-Ph	HEES Enterprises, Inc.	24,082.13
2 each 225kVA, 3-Ph, 208Y	Pauwels Transformers, Inc.	18,162.34
1 each 225kVA, 3-Ph, 480Y	Pauwels Transformers, Inc.	9,546.65
3 each 300kVA, 3-Ph	Pauwels Transformers, Inc.	32,273.28
1 each 500kVA, 3-Ph	Pauwels Transformers, Inc.	15,765.98
2 each 1500kVA, 3-Ph	HEES Enterprises, Inc.	<u>50,724.39</u>
		<u>\$200,330.96</u>

Proposals are also evaluated on the basis of compliance with equipment and bid specifications. Failure to comply with both may lead to disqualification of the bid. A summary of the bid evaluation is attached as Exhibit A. Some of the transformers are planned for use in a commercial development on Reynolds Ranch and other residential and commercial developments and upgrades within the City. Other transformers are to bring the number of stock transformers of different sizes to the required inventory level.

FISCAL IMPACT: Procurement cost is \$200,330.96

FUNDING: Account No. 160651

Kirk Evans, Budget Manager

George F. Morrow, Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Manager, Engineering & Operations

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-179

A RESOLUTION OF THE LODI CITY COUNCIL
AWARDING THE BIDS FOR THE PURCHASE OF
PADMOUNT TRANSFORMERS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on July 1, 2007, at 11:00 a.m. for the purchase of padmount transformers for the Electric Utility Department, described in the specifications therefore approved by the City Council on May 16, 2007; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as shown on Exhibit A attached; and

WHEREAS, the City Manager recommends the award of the bids for the various types and sizes of padmount transformers for the Electric Utility Department be made to the bidder(s) whose proposal and equipment meet City of Lodi specifications and whose transformers are expected to yield the lowest overall life-cycle costs, listed as follows:

7 each 37.5kVA, 1-Ph	HEES Enterprises, Inc.	\$14,089.39
8 each 50kVA, 1-Ph	HEES Enterprises, Inc.	\$17,636.52
6 each 75kVA, 1-Ph	HEES Enterprises, Inc.	\$18,050.28
3 each 150kVA, 3-Ph	HEES Enterprises, Inc.	\$24,082.13
2 each 225kVA, 3-Ph, 208Y	Pauwels Transformers, Inc.	\$18,162.34
1 each 225kVA, 3-Ph, 480Y	Pauwels Transformers, Inc.	\$ 9,546.65
3 each 300kVA, 3-Ph	Pauwels Transformers, Inc.	\$32,273.28
1 each 500kVA, 3-Ph	Pauwels Transformers, Inc.	\$15,765.98
2 each 1500kVA, 3-Ph	HEES Enterprises, Inc.	<u>\$50,724.39</u>
		<u>\$200,330.96</u>

NOW, THEREFORE, BE IT RESOLVED that the award of the bids for the purchase of padmount transformers for the Electric Utility Department be and the same is hereby awarded to the lowest responsible bidders, as shown above, in the total amount of \$200,330.96.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

EXHIBIT A

Transformer Bid Evaluation				Bid Opening: July 11, 2007									
Padmount				Tax (factor):	1.0775	Primary Winding: 12,000 Volt, Delta Connected, 3-Phase							
				No Load Loss \$/watt:	3.75	12,000 Grd Wye/6,930 Volt, 1-Phase							
July 11, 2007				Load Loss \$/watt:	1.25								
Bid Item 1: 37.5 kVA, 240/120 Volt, Single Phase Pad				Number of units:				7	28				>1.5
Vendor	Unit Price \$	Extended Price \$	Price w/tax \$	No Load Loss (watts)	Load Loss (watts)	No Load Loss value	Load Loss value	Cost of Losses \$	Life Cycle Cost \$	Delivery (weeks)	Height (inches)	Impedance %	
Howard Industries, Inc.	2,421.00	16,947.00	18,260.39	85	449	2,231.25	3,928.75	6,160.00	24,420.39	6-8	24	1.728	
HEES Enterprises, Inc.	1,868.00	13,076.00	14,089.39	88	442	2,310.00	3,867.50	6,177.50	20,266.89	14-16	28	1.500	
Wesco Distribution, Inc.	2,469.00	17,283.00	18,622.43	82	461	2,152.50	4,033.75	6,186.25	24,808.68	30-40	24		
Pauwels Transformers, Inc.	No Bid												
Central Moloney, Inc.	No Bid												
Bid Item 2: 50 kVA, 240/120 Volt, Single Phase Pad				Number of units:				8	28				>1.6
Vendor	Unit Price \$	Extended Price \$	Price w/tax \$	No Load Loss (watts)	Load Loss (watts)	No Load Loss value	Load Loss value	Cost of Losses \$	Life Cycle Cost \$	Delivery (weeks)	Height (inches)	Impedance %	
Howard Industries, Inc.	2,760.00	22,080.00	23,791.20	110	511	3,300.00	5,110.00	8,410.00	32,201.20	6-8	24	1.612	
HEES Enterprises, Inc.	2,046.00	16,368.00	17,636.52	101	580	3,030.00	5,800.00	8,830.00	26,466.52	14-16	28	1.600	
Wesco Distribution, Inc.	2,731.00	21,848.00	23,541.22	82	461	2,460.00	4,610.00	7,070.00	30,611.22	30-40	24		
Pauwels Transformers, Inc.	No Bid												
Central Moloney, Inc.	No Bid												
Bid Item 3: 75 kVA, 240/120 Volt, Single Phase Pad				Number of units:				6	28				>1.8
Vendor	Unit Price \$	Extended Price \$	Price w/tax \$	No Load Loss (watts)	Load Loss (watts)	No Load Loss value	Load Loss value	Cost of Losses \$	Life Cycle Cost \$	Delivery (weeks)	Height (inches)	Impedance %	
Howard Industries, Inc.	3,651.00	21,906.00	23,603.72	149	634	3,352.50	4,755.00	8,107.50	31,711.22	6-8	24	1.681	
HEES Enterprises, Inc.	2,792.00	16,752.00	18,050.28	149	700	3,352.50	5,250.00	8,602.50	26,652.78	14-16	28	1.800	
Wesco Distribution, Inc.	3,254.00	19,524.00	21,037.11	119	789	2,677.50	5,917.50	8,595.00	29,632.11	30-40	24		
Pauwels Transformers, Inc.	No Bid												
Central Moloney, Inc.	No Bid												

Bid Item 4: 150 kVA, 208Y/120 Volt, Three Phase Pad												
							Number of units:	3			65	>2.0
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%
Howard Industries, Inc.	9,163.00	27,489.00	29,619.40	272	1692	3,060.00	6,345.00	9,405.00	39,024.40	26-28	46	2.291
HEES Enterprises, Inc.	7,450.00	22,350.00	24,082.13	316	1537	3,555.00	5,763.75	9,318.75	33,400.88	38-41	49	3.600
Wesco Distribution, Inc.	8,843.00	26,529.00	28,585.00	335	1242	3,768.75	4,657.50	8,426.25	37,011.25	30-40	48	
Pauwels Transformers, Inc.	7,415.00	22,245.00	23,968.99	349	1597	3,926.25	5,988.75	9,915.00	33,883.99	34-36	52.1	2.510
Central Moloney, Inc.	No Bid											
Bid Item 5: 225 kVA, 208Y/120 Volt, Three Phase Pad												
							Number of units:	2			65	>3.5
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%
Howard Industries, Inc.	10,984.00	21,968.00	23,670.52	432	2307	3,240.00	5,767.50	9,007.50	32,678.02	26-28	51	3.605
HEES Enterprises, Inc.	9,530.00	19,060.00	20,537.15	217	3298	1,627.50	8,245.00	9,872.50	30,409.65	38-41	49	3.900
Wesco Distribution, Inc.	10,522.00	21,044.00	22,674.91	412	2673	3,090.00	6,682.50	9,772.50	32,447.41	30-40	56	
Pauwels Transformers, Inc.	8,428.00	16,856.00	18,162.34	458	2,688	3,435.00	6,720.00	10,155.00	28,317.34	34-36	52.1	3.740
Central Moloney, Inc.	No Bid											
Bid Item 6: 225 kVA, 480Y/277 Volt, Three Phase Pad												
							Number of units:	1			65	>3.5
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%
Howard Industries, Inc.	11,284.00	11,284.00	12,158.51	453	2151	1,698.75	2,688.75	4,387.50	16,546.01	28-30	51	3.782
HEES Enterprises, Inc.	9,208.00	9,208.00	9,921.62	225	3355	843.75	4,193.75	5,037.50	14,959.12	38-41	49	3.900
Wesco Distribution, Inc.	10,571.00	10,571.00	11,390.25	387	2035	1,451.25	2,543.75	3,995.00	15,385.25	30-40	56	
Pauwels Transformers, Inc.	8,860.00	8,860.00	9,546.65	415	2430	1,556.25	3,037.50	4,593.75	14,140.40	34-36	52.1	3.660
Central Moloney, Inc.	No Bid											

Bid Item 7: 300 kVA, 208Y/120 Volt, Three Phase Pad				Number of units:		3				65		>3.5		
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance		
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%		
Howard Industries, Inc.	13,627.00	40,881.00	44,049.28	515	2577	5,793.75	9,663.75	15,457.50	59,506.78	26-28	51	3.689		
HEES Enterprises, Inc.	11,646.00	34,938.00	37,645.70	362	2823	4,072.50	10,586.25	14,658.75	52,304.45	38-41	57	3.900		
Wesco Distribution, Inc.	11,784.00	35,352.00	38,091.78	474	2500	5,332.50	9,375.00	14,707.50	52,799.28	30-40	52			
Pauwels Transformers, Inc.	9,984.00	29,952.00	32,273.28	546	3251	6,142.50	12,191.25	18,333.75	50,607.03	34-36	52.1	3.650		
Central Moloney, Inc.	No Bid													
Bid Item 8: 500 kVA, 208Y/120 Volt, Three Phase Pad				Number of units:		1				75		>4.0		
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance		
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%		
Howard Industries, Inc.	19,073.00	19,073.00	20,551.16	754	4902	2,827.50	6,127.50	8,955.00	29,506.16	28-30	61	4.401		
HEES Enterprises, Inc.	16,242.00	16,242.00	17,500.76	505	6188	1,893.75	7,735.00	9,628.75	27,129.51	38-41	49	4.600		
Wesco Distribution, Inc.	17,721.00	17,721.00	19,094.38	673	5336	2,523.75	6,670.00	9,193.75	28,288.13	30-40	60			
Pauwels Transformers, Inc.	14,632.00	14,632.00	15,765.98	825	4,834	3,093.75	6,042.50	9,136.25	24,902.23	34-36	58.1	3.700		
Central Moloney, Inc.	No Bid													
Bid Item 9: 1500 kVA, 480Y/277 Volt, Three Phase Pad				Number of units:		2				90		>5.3		
Vendor	Unit	Extended	Price	No Load	Load	No Load	Load	Cost of	Life Cycle	Delivery	Height	Impedance		
	Price \$	Price \$	w/tax \$	Loss (watts)	Loss (watts)	Loss value	Loss value	Losses \$	Cost \$	(weeks)	(inches)	%		
Howard Industries, Inc.	36,047.00	72,094.00	77,681.29	1604	12081	12,030.00	30,202.50	42,232.50	119,913.79	30-32	69	5.799		
HEES Enterprises, Inc.	23,538.00	47,076.00	50,724.39	1654	10167	12,405.00	25,417.50	37,822.50	88,546.89	38-41	63	5.500		
Wesco Distribution, Inc.	33,447.00	66,894.00	72,078.29	1940	9273	14,550.00	23,182.50	37,732.50	109,810.79	30-40	61			
Pauwels Transformers, Inc.	27,582.00	55,164.00	59,439.21	1674	12676	12,555.00	31,690.00	44,245.00	103,684.21	34-36	72.1	5.750		
Central Moloney, Inc.	No Bid													
Total Cost:														
HEES Enterprises, Inc.			124,582.71											
Pauwels Transformers, Inc.			75,748.25											
			\$ 200,330.96											



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for Security Services at the Lodi Station and Lodi Station Parking Structure to Securitas Security Services USA, Inc., of Fresno (Estimated Three-Year Cost: \$198,000)

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for security services for the Lodi Station and Lodi Station Parking Structure to Securitas Security Services USA, Inc., of Fresno.

BACKGROUND INFORMATION: The contract is for security services for the Lodi Station and Lodi Station Parking Structure. Security services are currently provided by Securitas Security Services USA, Inc. The current security contract is at the end of its term and, in accordance with Federal regulations, needs to be re-bid. Currently, the Lodi Station and Lodi Station Parking Structure have security guards on duty 24 hours per day. This contract reduces security services to 7:00 p.m. to 7:00 a.m. on weekdays and 24 hours per day on weekends.

Proposals were received from six firms to provide security services to the City of Lodi. The Transportation Manager reviewed each of the proposals to ensure that they were complete and evaluated the proposals on officer training, reporting and documentation, current properties served, cost, and adherence to the Request for Proposals. In addition, copies of the top two proposals were submitted to the Police Department to review. After concluding the review, staff is recommending awarding the contract to the current provider, Securitas Security Services USA, Inc. (Securitas). Securitas presented the strongest proposal and, as the current provider, will allow for easy transition to the new contract. The previous transition required coordination between City Transit staff, MV Transportation staff, City Facilities Services staff and the Police Department. In addition, Securitas' proposal was \$0.80/hour less than the second-ranked proposal. Securitas' proposed price also included radio services (as required per the RFP) whereas the second-ranked proposal price did not include radios but rather broke that cost out as an additional \$7.50 per week.

These services are paid for from Transit operation funds. As such, all costs incurred are added to Fixed-Route and Dial-A-Ride operating costs and are reflected in cost-per-passenger statistics which are measured against goals assigned by the San Joaquin Council of Governments as a requirement of Transportation Development Act funding. By reducing the hours and the cost, the impact to the operating costs will be reduced. The annual cost of the service (not including overtime on holidays) is \$66,000. This is a reduction of approximately \$45,000 a year from the current contract.

The Request for Proposals was approved by Council on May 16, 2007. The City received the following six proposals (listed in order as ranked by staff) for this project on June 13, 2007:

APPROVED: _____
Blair King, City Manager

Bidder	Location
Securitas Security Services USA, Inc.	Fresno
Delta Protective Services	Stockton
Ace's and Eight's Security Company	Lodi
National Security Industries	San Jose
Service Pro Security	Fairfield
Windwalker Security Patrol, Inc.	Acampo

FISCAL IMPACT: Without rebidding a new contract, Federal operating funds would be ineligible for use.

FUNDING AVAILABLE: Funding has been included in the Fiscal Year 2007/08 Transit budget.

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/drr

cc: Transportation Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE
CONTRACT FOR SECURITY SERVICES AT THE LODI STATION
AND THE LODI STATION PARKING STRUCTURE TO
SECURITAS SECURITY SERVICES USA, INC., OF FRESNO

=====

WHEREAS, Request for Proposals for Security Services at the Lodi Station and the Lodi Station Parking Structure were approved by the City Council on May 16, 2007, and

WHEREAS, Request for Proposals for Security Services at the Lodi Station and the Lodi Station Parking Structure were received and opened June 13, 2007; and

WHEREAS, said Proposals have been evaluated and a report thereof filed with the City Manager; and

WHEREAS, staff recommends award of the contract for the Security Services at the Lodi Station and the Lodi Station Parking Structure be made to Securitas Security Services USA, Inc., of Fresno.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the Security Services at the Lodi Station and the Lodi Station Parking Structure be made to Securitas Security Services USA, Inc., of Fresno, in the amount of \$198,000 for three years and that the City Manager is authorized to negotiate up to a two-year extension if cost increases do not exceed 5% per year.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for Citywide School Safety Signage Project to Farwest Safety, Inc., of Lodi, (\$81,918.50) and Appropriating Funds (\$88,000)

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution awarding the contract for the Citywide School Safety Signage project to Farwest Safety, Inc., of Lodi, in the amount of \$81,918.50 and appropriating funds in accordance with the recommendation shown below.

BACKGROUND INFORMATION: This project consists of furnishing and installing school signs, roadside posts, and pavement markings, and performing other incidental and related work, all as shown on the plans and specifications for the project.

In June 2005, City Council authorized staff to submit Safe Route to School grant applications to the California Department of Transportation (Caltrans). In June 2006, Caltrans approved the Citywide School Signage grant and funds became available. The intent of the grant is to comply with recently-adopted guidelines for Federal and State mandated school pedestrian warning signs. The compliance date for the installation of these particular signs is January 2011. There are various compliance dates for other types of signs and pavement markings. The new school signs include School Advance Warning Assembly D in advance of the existing school signs and School Crosswalk Warning Assembly B at school crosswalks, as shown on Exhibit A. The new guidelines have eliminated the crosswalk lines from the school signs. These signs provide additional warning for motorists entering a school zone and approaching school crosswalks. In addition to these signs, existing signs and marking were relocated or removed to be brought into compliance with Federal and State guidelines.

Plans and specifications for this project were approved on June 6, 2007. The City received the following three bids for this project on July 3, 2007.

Bidder	Location	Bid
Engineer's Estimate		\$ 70,513.50
Farwest Safety, Inc.	Lodi	\$ 81,918.50
Chrisp Company	Fremont	\$ 90,945.00
Rileys Striping	Union City	\$ 114,602.00

The bid received from Farwest Safety, Inc., is compliant with the City's plans and specifications, the bidder possesses the required valid contractor's license, and although the bid is somewhat above the estimate, it appears reasonable. A bid summary is attached.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: Using some grant funds will eliminate the need to use all Street Maintenance funds for installation of these improvements by the compliance deadline. However, replacements costs will be needed in eight to ten years. The requested appropriation includes contract and contingency costs.

FUNDING AVAILABLE: Requested Appropriation:

<u>Funding Source</u>	<u>Amount</u>
Safe Route to School	\$ 42,800
TDA Ped & Bike	\$ 5,200
Street Maintenance Account	<u>\$ 40,000</u>
Total	\$ 88,000

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

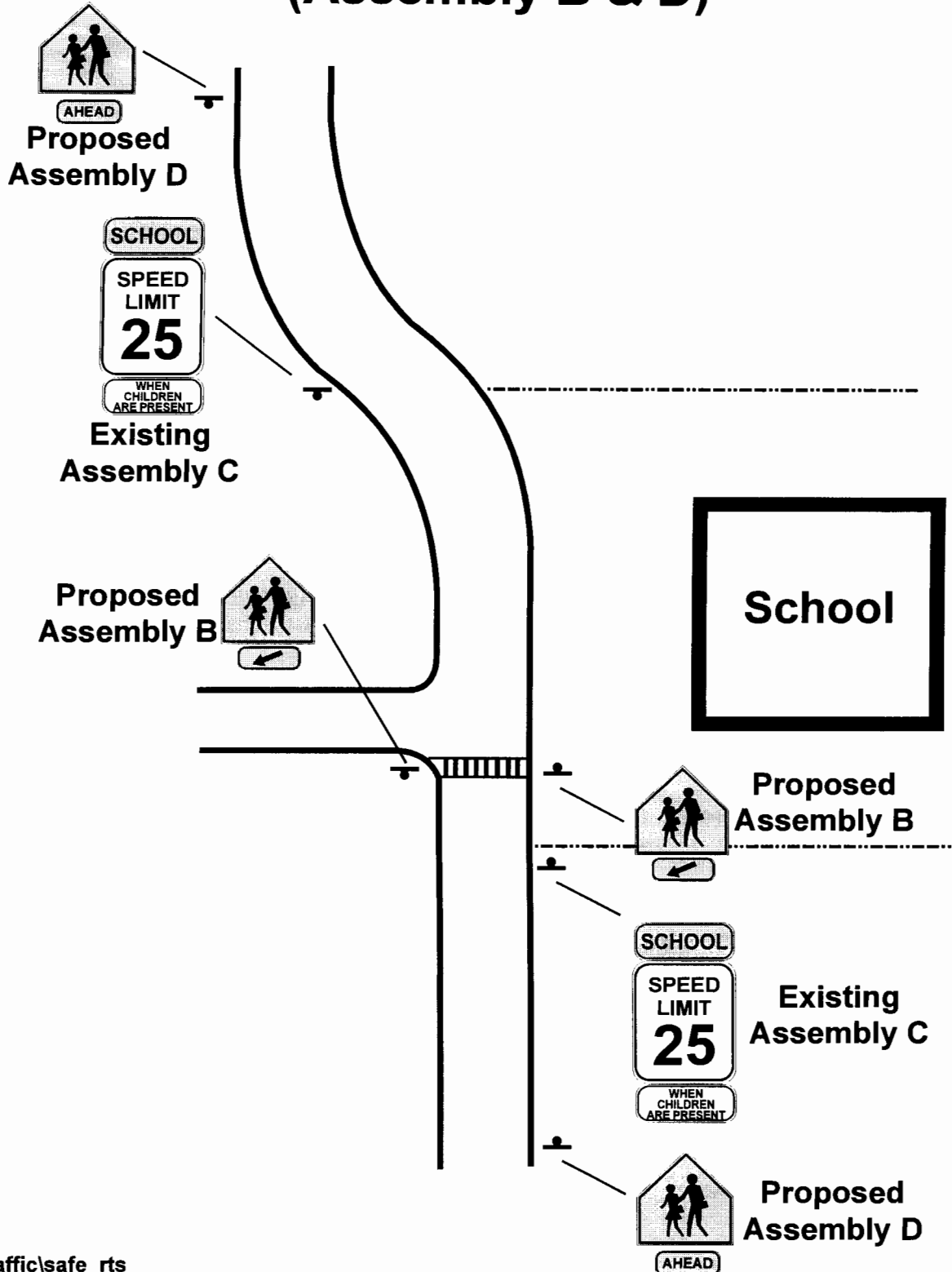
Prepared by Rick S. Kiri, Senior Engineering Technician
Attachments

cc: City Attorney
Budget Manager
City Engineer
Streets and Drainage Manager
Management Analyst Areida
Senior Traffic Engineer
Transportation Manager

SAFE ROUTE TO SCHOOL GRANT

PROPOSED SCHOOL SIGNING

(Assembly B & D)



Citywide School Safety Signage
Bid Tabulation
Received 7/03/07

	Citywide School Safety Signage											
	Bid Tab											
				Engineers Estimate		Farwest Safety, Inc.		Chrisp Company		Rileys Striping, Inc.		
Item	Description	Unit	Est'd Qty.	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
	Group 1 (Exhibits A Thru P)											
1	Traffic Control System	LS	1	\$500.00	\$500.00	\$800.00	\$800.00	\$6,200.00	\$6,200.00	\$20,000.00	\$20,000.00	
2	Roadside Signs	EA	148	\$150.00	\$22,200.00	\$275.00	\$40,700.00	\$180.00	\$26,640.00	\$260.00	\$38,480.00	
3	Roadside Posts	EA	103	\$160.00	\$16,480.00	\$98.00	\$10,094.00	\$225.00	\$23,175.00	\$175.00	\$18,025.00	
4	Remove Roadside Signs and Posts	EA	7	\$100.00	\$700.00	\$50.00	\$350.00	\$120.00	\$840.00	\$150.00	\$1,050.00	
5	Relocate Roadside Signs	EA	27	\$200.00	\$5,400.00	\$200.00	\$5,400.00	\$240.00	\$6,480.00	\$200.00	\$5,400.00	
6	Remove Pavement Markings	SF	627.5	\$4.00	\$2,510.00	\$4.00	\$2,510.00	\$3.00	\$1,882.50	\$3.00	\$1,882.50	
7	Sprayable Thermoplastics Pavement Markings	SF	1,063.5	\$7.00	\$7,444.50	\$7.00	\$7,444.50	\$5.00	\$5,317.50	\$5.00	\$5,317.50	
	Total Base Bid				\$55,234.50		\$67,298.50		\$70,535.00		\$90,155.00	*
	Group 2 (Exhibits Q Thru U)											
	Alternate Bid Item A											
1	Traffic Control System	LS	1	\$500.00	\$500.00	\$200.00	\$200.00	\$1,200.00	\$1,200.00	\$5,000.00	\$5,000.00	
2	Roadside Signs	EA	29	\$150.00	\$4,350.00	\$275.00	\$7,975.00	\$190.00	\$5,510.00	\$260.00	\$7,540.00	
3	Roadside Posts	EA	22	\$160.00	\$3,520.00	\$98.00	\$2,156.00	\$230.00	\$5,060.00	\$175.00	\$3,850.00	
4	Remove Roadside Signs and Posts	EA	3	\$100.00	\$300.00	\$50.00	\$150.00	\$120.00	\$240.00	\$150.00	\$450.00	
5	Relocate Roadside Signs	EA	4	\$200.00	\$800.00	\$200.00	\$800.00	\$240.00	\$960.00	\$200.00	\$800.00	
6	Remove Pavement Markings	SF	79	\$4.00	\$316.00	\$4.00	\$316.00	\$5.00	\$395.00	\$3.00	\$237.00	
7	Sprayable Thermoplastic Pavement Markings	SF	79	\$7.00	\$553.00	\$7.00	\$553.00	\$5.00	\$395.00	\$5.00	\$395.00	
	Total Alternate Bid A				\$10,339.00		\$12,150.00		\$13,760.00		\$18,272.00	
	Alternate Bid Item B											
1	Remove Roadside Post	EA	19	\$100.00	\$1,900.00	\$50.00	\$950.00	\$120.00	\$2,280.00	\$150.00	\$2,850.00	
2	Roadside Posts	EA	19	\$160.00	\$3,040.00	\$80.00	\$1,520.00	\$230.00	\$4,370.00	\$175.00	\$3,325.00	
	Total Alternate Bid B				\$4,940.00		\$2,470.00		\$6,650.00		\$6,175.00	
				Base Bid + Alternate Bids A & B	\$70,513.50		\$81,918.50		\$90,945.00		\$114,602.00	
	*Corrected Total (Contractor's price = \$85,904.00)											

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING
THE CONTRACT FOR CITYWIDE SCHOOL SAFETY SIGNING
PROJECT, AUTHORIZING THE CITY MANAGER TO EXECUTE
THE CONTRACT FOR THE PROJECT, AND FURTHER
APPROPRIATING FUNDS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on July 3, 2007, at 11:00 a.m., for the Citywide School Safety Signing Project, as described in the specifications therefore approved by the City Council on June 6, 2007; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

Bidder	Location	Bid
Engineer's Estimate		\$ 70,513.50
Farwest Safety, Inc.	Lodi	\$ 81,918.50
Chrisp Company	Fremont	\$ 90,945.00
Rileys Striping	Union City	\$ 114,602.00

WHEREAS, staff recommends awarding the contract for the Citywide School Safety Signing Project be made to Farwest Safety, Inc., of Lodi, California, in the amount of \$81,918.50.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the Citywide School Safety Signing Project be made to Farwest Safety, Inc., of Lodi, California, in the amount of \$81,918.50; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager to execute the contract for this project on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that the City Council hereby appropriates funds in the amount of \$88,000 for this project as follows:

Safe Route to School	\$ 42,800
TDA Ped & Bike	\$ 5,200
Street Maintenance Account	<u>\$ 40,000</u>
Total	\$ 88,000

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for the Domestic Outfall Sewer Pipeline Condition Assessment Project

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept the improvements under the Domestic Outfall Sewer Pipeline Condition Assessment Project contract.

BACKGROUND INFORMATION: The project was awarded at the November 16, 2006 Council meeting to J.F. Pacific Liners, Inc., of Vacaville, CA, in the amount of \$47,494.34.

This project included closed circuit television (CCTV) condition assessment of the Domestic Outfall Sewer Pipeline between Lower Sacramento Road and the White Slough Water Pollution Control Facility (WSWPCF). The assessment was the first phase (Phase 1) of multiple phases of work to assess and rehabilitate the Domestic Outfall Sewer Pipeline that has been in service for nearly 40 years. This assessment project revealed that the existing pipeline is showing its decades of use. The interior concrete walls have eroded to the point where some reinforcement bars are exposed. In other locations, the reinforcement cage has fallen from the top of the pipe and is impeding the wastewater flow. The video inspection also showed locations where the crown of the pipe is completely missing and other locations where sediment in the pipe flowline prevented the video camera from continuing down the pipe.

Subsequent phases of this project will include construction of additional manholes and a diversion structure and then the actual pipeline rehabilitation. The 2007/08 budget has \$7,750,000 budgeted for this rehabilitation work. An update of the project will be given with the next Quarterly Utility Report.

The final contract price is \$64,069.34. Contract Change Order No. 1 was issued to J.F. Pacific Liners, Inc., in the amount of \$16,575.00 to pay for cleaning sections of the outfall pipeline. The cleaning needed to be done in order to perform the CCTV assessment.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: Failure to pursue the rehabilitation portion of this project will result in continued deterioration and eventual failures of the pipe, which would result in sewage spills, potential fines and response costs.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Wes Fujitani, Senior Civil Engineer
RCP/WF/pmf
cc: Water Services Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for the Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard Project

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Accept the improvements under the Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard contract.

BACKGROUND INFORMATION: The project was awarded at the September 6, 2006 Council meeting to George Reed, Inc., of Vacaville, CA, in the amount of \$637,374.

This project included furnishing and installing approximately 7,000 tons of asphalt concrete, pavement fabric, thermoplastic pavement striping and markings, traffic signal detector loops, adjustment of utility frames and covers to grade, and other incidental and related work.

The final contract price is \$634,346.38. The difference between the contract amount and the final contract price is due to minor adjustments in the contract quantities and two contract change orders. Contract Change Order No. 1, in the amount of \$88,944, was approved by Council on September 6, 2006, as part of the contract award and is included in the original contract price of \$637,374. Contract Change Order No. 2 compensated the contractor \$3,078 for the hauling and disposal of the asphalt grindings. Contract Change Order No. 3, in the amount of \$1,760, paid for the installation of a ladder crosswalk at the intersection of Century Boulevard and Stockton Street.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: In the near term, maintenance costs will be reduced. As the pavement ages, pavement maintenance steps will be initiated.

FUNDING AVAILABLE: State Transportation Improvement Program \$634,346.38

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

Prepared by Wes Fujitani, Senior Civil Engineer
RCP/WF/pmf
cc: Streets and Drainage Manager

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution authorizing City Manager to renew agreement between San Joaquin County Data Processing and the City of Lodi Police Department (Estimated Annual Cost \$10,358.92)

MEETING DATE: August 1, 2007

PREPARED BY: Jerry J. Adams, Chief of Police

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to renew an agreement between the Lodi Police Department and San Joaquin County, through its Data Processing Division, for Fiscal Year 2007-08 to provide data processing services and access to Automated Message Switching/CJIS Systems.

BACKGROUND INFORMATION: This is a renewal of the yearly contractual agreement between the City of Lodi and the County of San Joaquin. Criminal Justice Information System (CJIS) is the county-wide computer connection that provides the Police Department with State and Federal computer access. (A copy of that proposed Agreement is attached.)

This data processing service allows the police department to access County warrant information and other criminal justice information housed in the San Joaquin County Data Base. This information is critical to local law enforcement. Without access to the Automated Message Switching/CJIS Systems the police department will not be able to conduct checks on individuals with local warrants, probation status on offenders and inmate records such as custody status, trial status, adjudications and sentencing.

FISCAL IMPACT: It is anticipated that our number of transactions with the County computer system will allow us to stay within the monetary parameters approved in the 2007-2008 operating budget.

FUNDING AVAILABLE: \$10,358.92 (Budget Item 300 Series 101031.7335)

Kirk Evans, Budget Manager

Jerry J. Adams
Chief of Police

APPROVED: _____
Blair King, City Manager

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2007 by and between the **COUNTY OF SAN JOAQUIN**, through its Information Systems Division, hereinafter referred to as "**COUNTY**" and **CITY OF LODI**, hereinafter referred to as "**AGENCY**";

WITNESSETH:

WHEREAS, **COUNTY** provides services and/or equipment listed in Attachment "A" hereinafter referred to as "**COMPUTER SERVICES**" to **AGENCY**; and

WHEREAS, **COUNTY** has certain computer equipment and is able to provide information services which **AGENCY** desires to use in its operations;

WHEREAS, **COUNTY'S** Information Systems Division services offered to **AGENCY** under this Agreement differs from that provided in previous years and it is necessary to set out the understanding of the parties as to the extent of services and liability for provision of access to the **COMPUTER SERVICES** for information.

IT IS HEREBY AGREED between the parties as follows:

1. **COMPUTER SERVICES FOR ACCESS TO NON-REDUNDANT, NON-FAULT TOLERANT COMPUTER SYSTEMS**

The **COUNTY** shall provide to **AGENCY** the **COMPUTER SERVICES** of **COUNTY'S** Information Systems Division. The parties expressly acknowledge that the Information Systems Division computer systems are non-fault tolerant, non-redundant systems which do not provide continuous access seven (7) days a week and twenty-four (24) hours a day. The computer systems may go down and be unable to provide **COMPUTER SERVICES** at any time of day or night for undeterminable periods of time and also must be scheduled to be taken down for maintenance and repairs from time to time. Therefore, **COUNTY** does not represent that the **COMPUTER SERVICES** provided under this Agreement will enable **AGENCY** to receive information from the computer systems within any specific time period. **AGENCY** has considered the express limitations set forth in this Agreement of the **COMPUTER SERVICES**, together with the needs of **AGENCY**, and has determined that **AGENCY'S** business operations require the use of the services set out in this Agreement.

2. **COMPENSATION**

- a. **COUNTY** will provide the **COMPUTER SERVICES** for the estimated annual amount of compensation as shown in Attachment "A". **COUNTY** shall bill **AGENCY** only for actual **COMPUTER SERVICES** provided, one month after **COMPUTER SERVICES** are provided. **AGENCY** shall provide full payment to **COUNTY** of the billed amount by the fifteenth day of the date of billing. In the event payment is not made in accordance with this provision **COUNTY** may, at its option, terminate the agreement in accordance with the provisions of Paragraph 5.
- b. In the event that the **AGENCY'S** estimated quantities, as indicated in Attachment "A", are exceeded for any reason, **County** may evaluate and, if necessary, increase the quantities indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. **County** will notify **AGENCY**, in writing, no less

than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

- c. In the event that County's cost of Computer Services are increased due to any reason, County may increase the rate of compensation, as indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. County will notify AGENCY, in writing, no less than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

3. OPTIONAL SERVICE AND EQUIPMENT

COMPUTER SERVICES under this agreement are limited solely to the ongoing services, systems, and equipment listed in Attachment "A" which are in operation on the effective date of this agreement. Services and/or equipment not covered in this agreement may be provided to AGENCY at COUNTY'S option subject to the following conditions:

- (a) AGENCY must submit a written request for the additional services and/or equipment which has been signed by the appropriate agency official, and
- (b) Additional services, and/or equipment shall be provided at the current rates of compensation and shall be billed as additional items over and beyond the total estimated annual amount compensation designated in this agreement.

Maintenance in connection with the equipment provided under this agreement is included in the rate of compensation for equipment and will not be billed as an additional charge to AGENCY.

4. TERM

The term of this contract shall be one year beginning July 1, 2007 and ending June 30, 2008

5. TERMINATION

- a. This contract may be terminated by either party upon thirty (30) calendar days advance written notice to the other party. Notwithstanding such termination, AGENCY shall compensate COUNTY for the actual COMPUTER SERVICES provided through the date the termination of the contract is effective. If AGENCY fails to timely compensate COUNTY as provided in this contract, AGENCY shall be held liable for the reasonable cost of collecting such compensation including attorneys fees and court costs incurred by COUNTY. In no event shall COUNTY be liable for reimbursing AGENCY for the costs to procure alternative services to those services provided under this Agreement regardless of whether AGENCY or COUNTY initiates termination of the Agreement.
- b. All rental equipment in the possession of AGENCY shall be returned to COUNTY in the same condition as it was delivered to AGENCY, less normal wear and tear. COUNTY shall be compensated by contractor for all loss or damage to said equipment which is not the result of a willful or negligent act by COUNTY and which does not constitute normal wear and tear.

6. INDEMNIFICATION AND HOLD HARMLESS

The AGENCY agrees that it shall indemnify, defend and hold harmless the COUNTY, the members

of its Board of Supervisors, its officers, agents, and employees, from and against all demands, claims, damages, losses, expenses, and costs including attorneys' fees and court costs arising out of and/or resulting from the performance of the activities and services contemplated by this agreement, except for demands, claims, damages, losses, expenses, and costs resulting from the sole and exclusive negligence of the COUNTY, or its agents, or those brought by employees or agents of COUNTY concerning their employment or agency relationship.

7. LIMITATIONS OF LIABILITY

In no event shall COUNTY be responsible for any damage, compensatory, consequential, punitive, or special in the event that the AGENCY is unable to access and/or obtain information from COMPUTER SERVICES of COUNTY. This Agreement shall not be construed to be either a representation or a warranty to AGENCY that it will be able to access and obtain information from the COMPUTER SERVICES at any particular time or within any particular response time. COUNTY does not grant any warranty as to the validity, completeness or usefulness of any information received by AGENCY from the COMPUTER SERVICES. COUNTY shall not be responsible nor liable for the costs to AGENCY to procure alternative services to the services provided for under this Agreement or upon termination of this Agreement by either party.

In the event of errors in COMPUTER SERVICES due to the failure of COUNTY'S equipment, software, circumstances beyond the control of COUNTY, or the failure of COUNTY'S employee(s) to operate the equipment in accordance with COUNTY'S standard operating procedures, or COUNTY'S inability to provide COMPUTER SERVICES due to circumstances beyond its control, COUNTY'S liability shall be limited to either subparagraph (a) or (b) below, either of which will be considered to be AGENCY exclusive remedy:

- (a) The correction of errors of which COUNTY has received written notice and proof or the performance of the service, whichever is the situation; or
- (b) Where such correction or performance of service is not practicable, AGENCY shall be entitled to an equitable credit not to exceed the charges invoiced to AGENCY for that portion of the service which produced the erroneous result or for that portion of the service which could not be performed, whichever is the situation.

COUNTY shall be liable for the loss, destruction or damage to AGENCY supplied materials only if such loss, destruction, or damages was due to the negligence of COUNTY and AGENCY sole remedy shall be COUNTY restoring the same, provided such restoration can be reasonably performed by COUNTY and provided that AGENCY provides COUNTY with all source data necessary for such restoration in similar form to that normally presented to COUNTY under this Agreement.

8. INDEPENDENT CONTRACTOR

The AGENCY, and the agents and employees of AGENCY, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of COUNTY.

9. ASSIGNMENT

Without the written consent of COUNTY, this agreement is not assignable by AGENCY either in whole or in part.

10. TIME OF THE ESSENCE

Time is of the essence in this agreement.

11. MODIFICATIONS

No alteration, variation, or modification of the terms of this contract shall be valid unless made in writing prior to the effective date and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

12. COMPLIANCE WITH LAWS

AGENCY shall comply with the California Fair Employment Practices Act (Labor Code Section 1410, et seq.) and any amendments thereto.

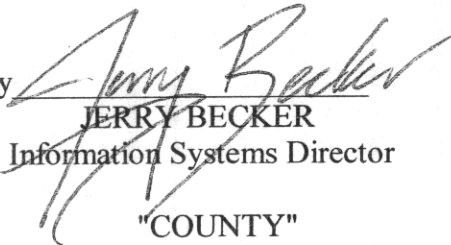
This contract may, at the option of COUNTY, be terminated or suspended in whole or in part in the event AGENCY fails to comply with the nondiscrimination clause of the contract. In the event of termination under this paragraph, COUNTY shall be compensated for goods and services provided to the date of termination. Termination or suspension shall be effective upon receipt of written notice thereof.

13. CONFIDENTIALITY

AGENCY, its employees, officers, and agents shall protect and keep all information and materials obtained through the services of this agreement confidential and from unauthorized use and disclosure. This clause shall not apply to that information which is or becomes a public record subject to the disclosure requirements of the Public Records Act.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first written above.

COUNTY OF SAN JOAQUIN, a
political subdivision of the State of
California

By 
JERRY BECKER
Information Systems Director
"COUNTY"

CITY OF LODI

By _____
Blair King

Title City Manager

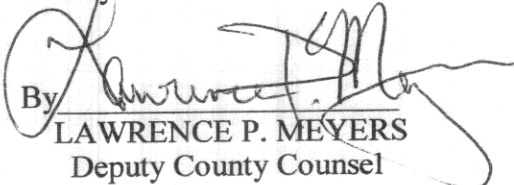
"AGENCY"

Attest:

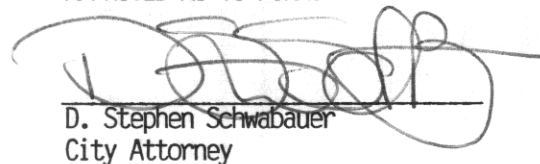
Randi Johl
City Clerk

Dated: _____

APPROVED AS TO FORM:
DAVID WOOTEN
County Counsel

By 
LAWRENCE P. MEYERS
Deputy County Counsel

APPROVED AS TO FORM:


D. Stephen Schwabauer
City Attorney

Rate Schedule
Fiscal Year 2007/2008

Computer Services

Automated Message Switching System Access
CJIS System Access

Service	Estimated Quantity	Type	Estimated Rate	Estimated Annual Cost	Estimated Total
Telephone Line Charge	12	Month	\$ 92.69	\$ 1,112.28	
* Special Processing Request	8	Hours	\$ 91.83	\$ 734.64	
Transactions	190,000	Each	\$ 0.0448	\$ 8,512.00	
Total Estimated Annual Cost					\$ 10,358.92

* Special Processing Requests require written authorization specifying work to be performed.

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH
SAN JOAQUIN COUNTY TO PROVIDE DATA PROCESSING
SERVICES AND ACCESS TO AUTOMATED MESSAGE
SWITCHING/CJIS SYSTEMS BY LODI POLICE
DEPARTMENT FOR FISCAL YEAR 2007-08

=====

WHEREAS, San Joaquin County provides to the City of Lodi access to Automated Message Switching/CJIS Systems; and

WHEREAS, San Joaquin County has certain data processing equipment and is able to provide data processing services, which the City of Lodi desires to use in its operations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into an agreement with San Joaquin County, through its Data Processing Division, for fiscal year 2007-08 to provide data processing services and access to Automated Message Switching/CJIS Systems to the Lodi Police Department, in an amount not to exceed \$10,358.92; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt resolution authorizing the City Manager to sign a contract between the City of Lodi and Lodi Memorial Hospital for operation of the Adult Day Care Program and the Camp Hutchins Children's Day Care program at Hutchins Street Square

MEETING DATE: August 1, 2007

PREPARED BY: James M. Rodems, Community Center Director

RECOMMENDED ACTION: Adopt resolution authorizing the City Manager to sign a contract between the City of Lodi and Lodi Memorial Hospital for operation of the Adult Day Care Program and the Camp Hutchins Children's Day Care program at Hutchins Street Square through August 2010 with extensions through 2012.

BACKGROUND INFORMATION: In March of 1998, the City of Lodi and Lodi Memorial Hospital entered into an agreement whereby Lodi Memorial Hospital would provide and manage a child care facility on a year-round basis at the Hutchins Street Square facility, specifically called "Camp Hutchins".

The City agreed to lease the western portion of the remodeled multi-purpose building at Hutchins Street Square for the sum of one dollar (\$1.00) per year. Additionally, Camp Hutchins is in its ninth year of a Summer Satellite Program that doubles the number of participants for eight weeks in the summer (accommodating modified traditional and traditional school tracks).

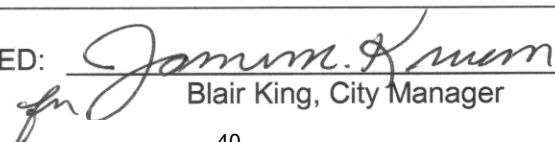
In June of 1990, the City of Lodi and Lodi Memorial Hospital entered into an agreement whereby Lodi Memorial Hospital would provide and manage an adult day care facility on a year-round basis at the Hutchins Street Square facility, specifically called "Adult Day Care".

The City agreed to lease a portion of the Senior Center for the sum of one dollar (\$1.00) per year. By way of this contract we have incorporated both programs as a single entity of LODI MEMORIAL HOSPITAL.

These partnerships have exceeded all expectations and continue to be of great value to the community.

FUNDING: None. No funding is required for this proposal.


James M. Rodems,
Community Center Director

APPROVED: 
Blair King, City Manager

AGREEMENT

THIS AGREEMENT, entered into by and between the CITY OF LODI, a municipal corporation ("City"), and LODI MEMORIAL HOSPITAL ("Hospital").

WHEREAS, the Hospital and the City have a history of partnering with the operation of the Adult Day Care Facility at Hutchins Street Square and Camp Hutchins;

WHEREAS, Lodi Memorial Hospital and the City of Lodi have previously entered into Agreements whereby Hospital leased from City a portion of the Senior Citizen's Complex at Hutchins Street Square and the western portion of the remodeled multi-purpose building at Hutchins Street Square.

WHEREAS, the purpose of this Agreement is to continue these relationships, and combine the previously separate contracts into one master contract which will run for an additional three (3) years from the date this Agreement with the option of two (2) one year (1) extensions.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. The purpose of this Agreement is to provide an adult day care facility and children's day care on a year-round basis at the Hutchins Street Square facility.
2. The City of Lodi will lease to Lodi Memorial Hospital for the sum of ONE DOLLAR (\$1.00) each year, payable in advance on the anniversary date of this Agreement, the facilities and spaces described as follows:

Adult Day Care Center

The southern portion of the remodeled Senior Citizen's Complex at Hutchins Street Square, as more particularly shown on the floor plan attached hereto and made a part of this Agreement by reference.

- AND -

Camp Hutchins

The western portion of the remodeled multi-purpose building at Hutchins Street Square, as more particularly shown on the floor plan attached hereto and made a part of this Agreement by reference.

3. The term of this Agreement shall be for a period of three (3) years commencing August 1, 2007 and expiring on August 1, 2010. This Agreement may be terminated with or without cause by either party by providing not less than thirty (30) days advance written notice to the other party. This Agreement will extend automatically for two successive one year periods if neither party gives notice of intent to terminate thirty (30) days prior to the then current expiration date.
4. Hospital agrees to operate an adult day care program and a child care program during hours mutually agreeable to the parties, Monday through Friday, fifty-two weeks of the year, save and except the usual and traditional holidays. Such services shall be available to all persons otherwise meeting the criteria for participation in such day care facilities, regardless of race, color, religion, sexual orientation, marital status, national origin, ancestry, age, residency or any other criteria prohibited by law.
5. All kitchen appliances, if any, shall be provided, owned, and maintained by Hospital, which shall furnish to the City a list of, and specifications for, all such appliances prior to installation. A list of the kitchen appliances installed by Hospital prior to execution of this Agreement has been provided by Hospital.

6. Hospital shall provide all necessary and customary equipment, furniture, and staff to provide care for a maximum of thirty (30) persons in the Adult Day Care program and shall provide all necessary and customary equipment, furniture, and staff to provide care for a maximum of fifty-six (56) children in Camp Hutchins.
7. Hospital shall be responsible for publicity and marketing of the programs, and expending reasonable and good faith efforts to make the public aware of these programs. Fees will be established by Hospital in accordance to area market value.
8. The leased premises (as described in paragraph 2) will be available to the City "after hours" and on weekends for outside rental and joint uses of the rooms for various community and civic activities.
9. City shall provide all customary and usual maintenance of buildings and grounds. Lodi Memorial Hospital shall be responsible for all janitorial and cleaning services for the interior of the space described in paragraph 2.
10. City shall be obligated only to provide the necessary space and maintenance for such day care centers. All other expenses of operation of the day care programs shall be the responsibility of Hospital. Hospital further agrees to operate such Adult Day Care program and Camp Hutchins program on a not-for-profit basis. Charges or fees for such services shall be adjusted with the intent to make such charges or fees reflect the actual cost of operation and overhead of the facility. In determining or calculating profit or loss, Hospital shall be entitled to depreciate during the term of this Agreement the cost for any necessary equipment provided during the term by Hospital. Determination of profit or loss may utilize or carry forward/carry back method of calculating profit or loss for each year of the three (3) year term of this Agreement and offset for each year in which a loss was incurred against any year of the current term in which a profit resulted. Should an overall profit result as shown by independent audit based on the considerations found in this paragraph, then at the end of the three (3) year term, it shall be paid and remitted to the City of Lodi, for the purpose of continued maintenance and development of the facility. The provisions of the paragraph shall apply to any extension of the original term of this Agreement as described in paragraph 3.
11. **INDEMNITY:** Hospital agrees to indemnify and hold harmless City and its officers, agents and employees from and against all claims of whatever nature arising from any act, omission, or negligence of Hospital or Hospital's contractors, licensees, agents, servants, or employees, or arising from any accident, injury, or damage whatsoever caused any person, or to the property of any person, occurring during the term hereof, in or about the demised premises where such accident, damage, or injury, including death, results, or is claimed in whole or in part to have resulted, from any act or omission on the part of Hospital or Hospital's agents or employees. This indemnity and hold harmless agreement shall include indemnity against all costs and expenses, including attorney's fees incurred in or in connection with any such claim or proceeding brought thereon and the defense thereof.
12. **GENERAL LIABILITY AND PROPERTY DAMAGE INSURANCE:** Hospital agrees to maintain in full force during the term hereof a policy of general liability insurance under which Hospital is named as insured, and containing an additional named insured endorsement naming City, its elected and appointed boards, commissions, officers, agents, employees and volunteers as additional insured, and under which the insurer agrees to indemnify and hold Hospital and City harmless from and against all costs, expenses, and liability arising out of, or based upon, any and all property damage, or damages for personal injuries, including death, sustained in accidents occurring in or about the premises, where such accident, damage, or injury, including death, results, or is claimed to have resulted, from any act or omission on the part of Hospital, or Hospital's

agents or employees. The minimum limits of such insurance shall be \$5,000,000 (one million dollars). In addition to the additional named insured endorsement on Hospital's policy of insurance, said insurance policy shall be endorsed to include the following language:

"Insurance as is afforded by the endorsement for additional insured shall apply as primary insurance. Any other insurance maintained by the City of Lodi or its officers and employees shall be excess only and not contributing with the coinsurance afforded by this endorsement."

13. A duplicate or certificate of said public liability and property damage insurance policy containing the above-stated required endorsement shall be delivered to City within ten (10) days after the issuance and each renewal of said policy.
14. Hospital shall take out and maintain during the term of this Agreement, Worker's Compensation Insurance for all of the Hospital's employees employed to perform work in the programs described herein.
15. IN the event of a cessation or abandonment of either of the adult day care center or the child care program by Hospital for a period exceeding thirty (30) days, City may, in its sole discretion, deem this Agreement null and void.
16. Any notice required to be given by the terms of this Agreement shall be in writing signed by an authorized representative of the sender and shall be deemed to have been given when the same is personally served or upon receipt by express or overnight deliver, postage prepaid, or in three (3) days from the time of mailing if sent by first class or certified mail, postage prepaid, addressed to the respective parties as follows:

City shall be: City Manager
 P.O. Box 3006
 Lodi, CA 95241-1910

With a copy to: Community Center Director
 Hutchins Street Square
 125 S. Hutchins Street
 Lodi, Ca 95240

Hospital shall be: Lodi Memorial Hospital
 Hospital Administrator
 975 South Fairmont Ave
 Lodi, CA 95240

17. This Agreement shall be construed in accordance with the laws of the State of California.
18. If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.
19. This Agreement constitutes the entire understanding and agreement between the parties hereto. There shall be no modifications without the written consent of both parties.

Executed this _____ day of _____, 2003 at Lodi, California.

CITY OF LODI, a municipal corporation

LODI MEMORIAL HOSPITAL

Blair King
City Manager

Joseph Harrington
Administration

ATTEST:

Randi Johl
City Clerk

Dated: _____

Approved as to Form:
D. Stephen Scwabauer
City Attorney

By: Janice D. Magdich
Deputy City Attorney



RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN
THE CITY OF LODI AND LODI MEMORIAL HOSPITAL FOR
THE OPERATION OF THE ADULT DAY CARE PROGRAM
AND CAMP HUTCHINS CHILDREN'S DAY CARE PROGRAM
AT HUTCHINS STREET SQUARE

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute a contract between the City of Lodi and Lodi Memorial Hospital for the operation of the Adult Day Care Program and the Camp Hutchins Children's Day Care Program at Hutchins Street Square through August 2010 with extensions through 2012.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Amending Traffic Resolution 97-148 by Approving a Reduction of Speed Limit on Lower Sacramento Road from South City Limits to 1,300 Feet South of Kettleman Lane from 55 Miles per Hour to 50 Miles per Hour

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution amending Traffic Resolution 97-148 by approving a reduction of the speed limit on Lower Sacramento Road from the south City limits to 1,300 feet south of Kettleman Lane from 55 miles per hour (mph) to 50 mph, as shown on the attached Engineering and Traffic Survey (Exhibit A).

BACKGROUND INFORMATION: Per the California Vehicle Code (CVC), Engineering and Traffic Surveys must be updated a minimum of every five years on all "non-local" streets. "Non-local" streets are collector and arterial streets included in the Federal Aid System. Streets with surveys that have exceeded five years cannot be radar enforced. The Police Department relies on these surveys not only for speed enforcement purposes, but for use in the courtroom in the event of a dispute from the person cited. The establishment of speed limits is also coordinated with the Police Department due to their field and enforcement expertise.

In accordance with CVC Section 40802 (b), Engineering and Traffic Surveys are performed following the California Manual on Uniform Traffic Control Devices (MUTCD). The important factors to consider in determining the speed limit, which is most appropriate to facilitate the orderly movement of traffic and that is reasonably safe are:

Prevailing Speeds (85th Percentile Speeds) – Reasonable speed limits conform to the actual behavior of the majority of motorists, and by measuring motorists' speeds, one will be able to select a speed limit that is both reasonable and effective. Speed limits should normally be established at the nearest 5 mph increment to the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of 5 mph.

Accidents – Accident records for the two most recent years are considered in determining speed zones. Accidents on segments of roadways are classified by their accident rate. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment. Accident rates are shown in accidents per million vehicle miles (ACC/MVM). The average Citywide accident rate is 3.3 ACC/MVM.

APPROVED: _____
Blair King, City Manager

Unexpected Conditions – Highway, traffic, and roadside conditions not readily apparent to the driver are also considered. When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits below the 85th percentile may be justified.

In addition to the three primary factors described above, the following characteristics are also considered:

- Residential density
- Pedestrian and bicycle safety
- Roadway design speed
- Safe stopping sight distance
- Superelevation
- Shoulder conditions
- Profile condition
- Intersection spacing and offsets
- Commercial driveway characteristics
- Pedestrian traffic in the roadway without sidewalks

DISCUSSION/RECOMMENDATION: The entire length of Lower Sacramento Road within the City limits was recently studied. The only recommended speed limit change on Lower Sacramento Road is on the portion between Harney Lane and Kettleman Lane that was recently added to the City with the Southwest Gateway Annexation. This portion of roadway, as well as the portion south of Harney Lane within San Joaquin County, has a prima facie speed limit of 55 mph. Although the vehicles speeds recorded and low accident rate support a 55 mph speed limit, because the roadway has bike lanes and lacks sidewalks for pedestrians, we recommend a speed limit reduction. Based on these factors, we recommend City Council approve a 50 mph speed limit on the portion of Lower Sacramento Road from the south City limits (Harney Lane) to 1,300 feet south of Kettleman Lane, as shown on Exhibit A. The speed limit on all other portions of Lower Sacramento Road will remain unchanged. A map showing speed limits in the City is attached as Exhibit B.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Funding for installation of speed limit signs and pavement legends will come from the Measure K funds at an approximate cost of \$3,430.

Kirk Evans, Budget Manager

Richard C. Prima, Jr.
Public Works Director

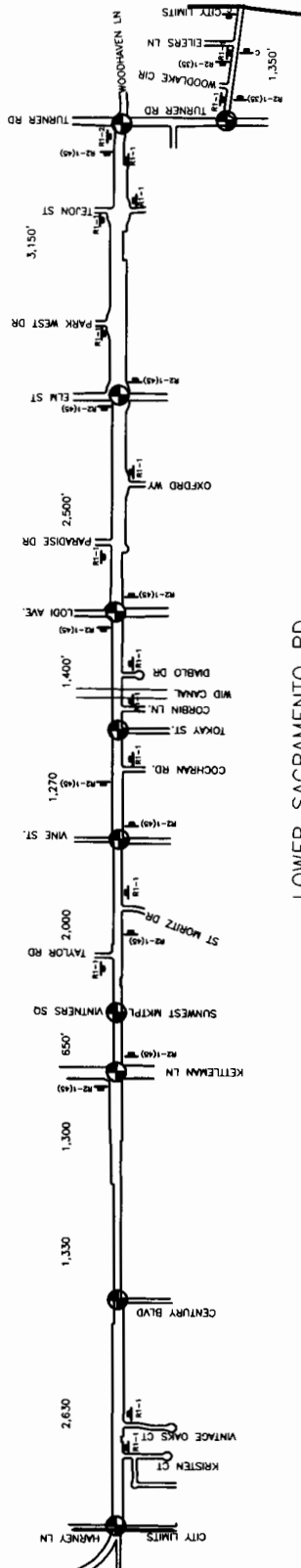
Prepared by Rick S. Kiri, Senior Engineering Technician
RCP/RSK/pmf

Attachments

cc: City Attorney
Senior Traffic Engineer
Streets and Drainage Manager
Police Sergeant Carillo

Police Chief
Management Analyst Areida
City Engineer/Deputy Public Works Director

SEE NARRATIVE FOR
BACKGROUND INFORMATION



LOWER SACRAMENTO RD.

DATE	NO.	REVISION	APPROVED BY	DATE
07/04	1	OPENED WEST LEG @ SUNWEST MKT	SENIOR TRAFFIC ENGINEER	TR 1625

SPEED ZONE REPORT - Lower Sacramento Road, South City Limits to North City Limits

- **REFERENCE** - Speed zone surveys are performed in the City of Lodi following the California MUTCD in accordance with Section 40802 (b) of the California Vehicle Code.
- **STUDY CRITERIA** - Important factors to consider in determining the speed limit which is most appropriate to facilitate the orderly movement of traffic and that is reasonably safe are:

Prevailing Speeds (85th Percentile Speeds) – Reasonable speed limits conform to the actual behavior of the majority of motorists, and by measuring motorists' speeds, one will be able to select a speed limit that is both reasonable and effective. Speed limits should normally be established at the nearest five mile per hour (mph) increment to the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of five mph.

Accidents – Accident records for two recent years were considered in determining the speed zones. Accidents on segments of roadways are classified by their accident rate. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment. Accident rates are shown in accidents per million vehicle miles (ACC/MVM). The average Citywide accident rate is 3.3 ACC/MVM.

Unexpected Conditions – Highway, traffic, and roadside conditions not readily apparent to the driver were considered. When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits below the 85th percentile may be justified.

Other Factors – The following factors were considered: residential density, pedestrian and bicycle safety, roadway design speed, safe stopping sight distance, superelevation, shoulder conditions, profile condition, intersection spacing and offsets, commercial driveway characteristics and pedestrian traffic in the roadway without sidewalks.

- **STUDY RESULTS**

Sixteen radar surveys were performed and the 85th percentile speeds ranged from 40 to 58 mph as shown below:

<u>Street Segment</u>	<u>Northbound</u>	<u>Southbound</u>
South City Limits to Century Boulevard	58 mph	56 mph
Century Boulevard to Kettleman Lane	50 mph	56 mph
Kettleman Lane to Vine Street	50 mph	48 mph
Vine Street to Tokay Street	46 mph	43 mph
Tokay Street to Lodi Avenue	46 mph	49 mph
Lodi Avenue to Elm Street	48 mph	52 mph
Elm Street to Turner Road	50 mph	53 mph
Turner Road to North City Limits	40 mph	41 mph

South City Limits to Century Boulevard

The 85th percentile speeds on this segment are 56 and 58 mph. The 50th percentile speeds are 50 and 51 mph. This segment was recently acquired from the County with the Southwest Gateway Annexation. The current speed limit on this portion of roadway is a prima facie limit of 55 mph. The accident rate of 0.4 is below the Citywide average. No previous accident rate information was available. Based solely on the 85th percentile speeds, the speed limit could be posted at 55 mph; however, due to the lack of sidewalks for pedestrians and bicycle safety, we recommend a 50 mph speed limit along this segment.

Century Boulevard to Kettleman Lane

The 85th percentile speeds on this segment are 50 and 56 mph. The 50th percentile speeds are 46 and 50 mph. The accident rate of 0.9 is below the Citywide average. No previous accident rate information was available as the southern half of this segment was recently acquired from the County with the Southwest Gateway Annexation. The southern portion is rural in nature and has a current prima facie speed limit of 55. The northern half of this segment has a current posted and design speed of 45 mph due to the existing retail development on the east side of the roadway. Based solely on the 85th percentile speeds, the speed limit could be posted 50 mph; however, due to the 45 mph design speed, commercial driveway spacing, and bicycle safety, we recommend retaining the 45 mph speed limit along the northern half of this segment. Based on 85th percentile speeds and rural nature, a 50 mph speed limit is recommended on the south half of this segment.

Kettleman Lane to Vine Street

This portion of Lower Sacramento Road is comprised of two segments. Only the segment between Vintner's Square/Sunwest Market Place and Vine Street was long enough to survey vehicle speeds. The 85th percentile speeds on this segment are 48 and 50 mph. The 50th percentile speeds are 42 and 44 mph. The highest accident rate of 1.7 on these segments is below the Citywide average and lower than the 2.5 rate from the 2003 survey. Based solely on 85th percentile speeds, the speed limit on this segment could be posted at 50 mph; however, based on the reduced accident rate at the current speed limit, pedestrian and bicycle safety, we recommend retaining the 45 mph speed limit along this segment.

Vine Street to Tokay Street

The 85th percentile speeds on this segment are 43 and 46 mph. The 50th percentile speeds are 39 and 41 mph. The accident rate of 0.2 on this segment is below the Citywide average and lower than the 1.3 rate from the 2003 survey. Based on the 85th percentile speeds, continuing low accident rate at the current speed limit, and bicycle safety, we recommend retaining the 45 mph speed limit along this segment.

Tokay Street to Lodi Avenue

The 85th percentile speeds on this segment are 46 and 49 mph. The 50th percentile speeds are 41 and 44 mph. The accident rate of 0.9 on this segment is below the Citywide average and lower than the 1.4 rate from the 2003 survey. Based on the 85th percentile speeds, continuing low accident rate at the current speed limit, and bicycle safety, we recommend retaining the 45 mph speed limit along this segment.

Lodi Avenue to Elm Street

The 85th percentile speeds on this segment are 48 and 52 mph. The 50th percentile speeds are 43 and 47 mph. The accident rate of 0.3 on this segment is below the Citywide average and slightly lower than the 0.4 rate from the 2003 survey. Based solely on the 85th percentile speeds, the speed limit could be posted at 50 mph; however, based on the continuing low accident rate at the current speed limit, and bicycle safety, we recommend retaining the 45 mph speed limit along this segment.

Elm Street to Turner Road

The 85th percentile speeds on this segment are 50 and 53 mph. The 50th percentile speeds are 45 and 47 mph. The accident rate of 0.3 on this segment is below the Citywide average and slightly lower than the 0.4 rate from the 2003 survey. Based solely on 85th percentile speeds, the speed limit could be posted at 50 mph; however, based on the continuing low accident rate at the current speed limit and bicycle safety, we recommend retaining the speed limit 45 mph along this segment.

Turner Road to North City Limits

The 85th percentile speeds on this segment are 40 and 41 mph. The 50th percentile speed is 36 mph. The accident rate of 1.6 on this segment is below the Citywide average and lower than the 2.7 rate from the 2003 survey. Based solely on 85th percentile speeds, the speed limit on this segment could be posted at 40 mph; however, based on the reduced accident rate at the current speed limit, pedestrian and bicycle safety, we recommend retaining the speed limit of 35 mph along this segment.

◦ CONCLUSION

The recommended speed limits are shown below:

<u>Segment</u>	<u>Posted Speed Limit</u>
South City Limits to Century Boulevard	50 mph
Century Boulevard to 1,300' South of Kettleman Lane	50 mph
1,300' South of Kettleman Lane to Kettleman Lane	45 mph (no change)
Kettleman Lane to Vine Street	45 mph (no change)
Vine Street to Lodi Avenue	45 mph (no change)
Lodi Avenue to Elm Street	45 mph (no change)
Elm Street to Turner Road	45 mph (no change)
Turner Road to North City Limits	35 mph (no change)

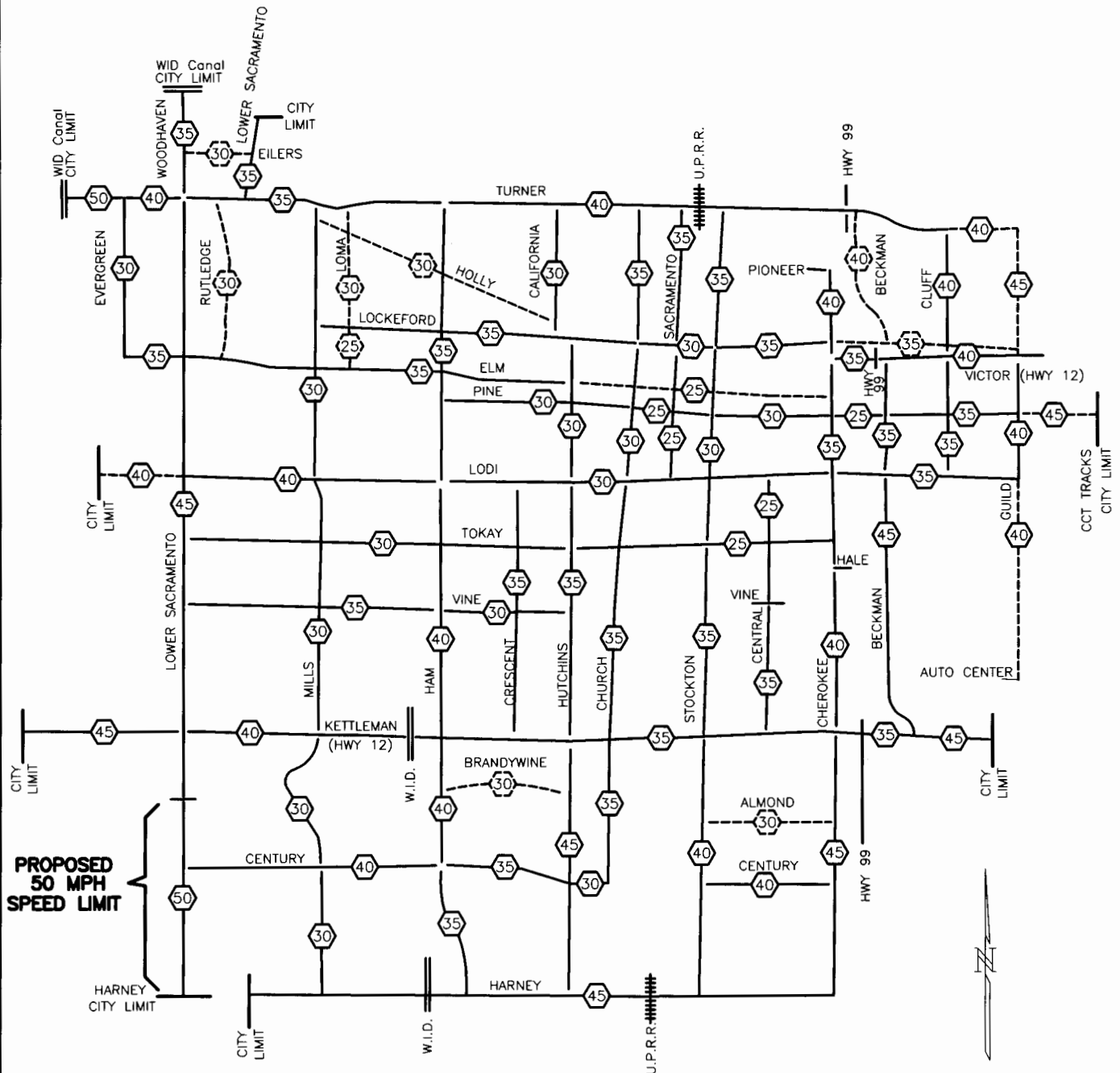
Paula J. Fernandez
Senior Traffic Engineer



CITY OF LODI

PUBLIC WORKS DEPARTMENT

POSTED SPEED LIMITS



RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING A
REDUCTION OF THE SPEED LIMIT ON LOWER SACRAMENTO ROAD
FROM SOUTH CITY LIMITS TO 1,300 FEET SOUTH OF KETTLEMAN
LANE, FROM 55 MILES PER HOUR TO 50 MILES PER HOUR AND
THEREBY AMENDING TRAFFIC RESOLUTION NO. 97-148

=====

WHEREAS, per §40802(b) of the California Vehicle Code, in order to radar enforce vehicle speeds on this portion of Lower Sacramento Road, a valid Engineering and Traffic Survey must exist; and

WHEREAS, Engineering and Traffic Surveys were performed based upon the State of California Department of Transportation (Caltrans) guidelines; and

WHEREAS, the surveys include a map showing the physical characteristics of the roadway, such as roadway width, number of through lanes, and traffic controls. Traffic volumes, prevailing speeds, and accidents are analyzed and the results are provided in a written narrative for each street; and

WHEREAS, three factors are considered when determining speed limits. They are as follows: 1) Prevailing Speeds (85th Percentile Speeds); 2) Accidents; and 3) Unexpected Conditions; and

WHEREAS, the portion of Lower Sacramento Road from the south City limits to 1,300 feet south of Kettleman Lane was recently added to the City with the Southwest Gateway Annexation and currently has a prima facie speed limit of 55 miles per hour; and

WHEREAS, the Public Works Department recently performed an Engineering and Traffic Survey on Lower Sacramento Road from the south City limits to 1,300 feet south of Kettleman Lane and recommends approval of the speed limit of 50 miles per hour.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves a reduction of the speed limit on Lower Sacramento Road from the south City limits to 1,300 feet south of Kettleman Lane from 55 miles per hour to 50 miles per hour; and

BE IT FURTHER RESOLVED that the City of Lodi Traffic Resolution No. 97-148, Section 7, "Speed Limits," is hereby amended by designating the 50 mile per hour speed limit on Lower Sacramento Road from the south City limits to 1,300 feet south of Kettleman Lane.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Amending Traffic Resolution No. 97-148 to Authorize Public Works Director to Establish Terminal Access Routes

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution amending Traffic Resolution No. 97-148 to authorize the Public Works Director to establish terminal access routes.

BACKGROUND INFORMATION: Federal and State law provides standards for certain trucks (known as STAA trucks) to utilize specific routes. The trucks can have an overall length that exceeds the California limit of 65 feet. (See Exhibits A and B.) The City, in the late 1980's, implemented this program through the Traffic Resolution that listed these specific routes.

Section 8 - Weight Limit/Commercial-Vehicle Restrictions

- B. The streets or portions of streets listed below are hereby defined and established as routes for vehicles within the length limitations described in Section 35401.5 of the Vehicle Code and shall be governed by the provisions of the Traffic Ordinance.

Beckman Road south of Victor Road
 Cherokee Lane north of Highway 99 ramps at Century Boulevard
 Hutchins Street south of Kettleman Lane
 Kettleman Lane
 Lower Sacramento Road south of Turner Road
 Stockton Street
 Turner Road west of Lower Sacramento Road (S)
 Victor Road

At the time of implementation, staff had the understanding that these trucks could leave the route to directly access terminals on streets that were not specifically designated. In the intervening years, Caltrans and the California Highway Patrol (CHP) have refined the program and their procedures and are requesting that all routes be either signed or indicated on maps that are easily available to the public. In addition, the CHP has increased their enforcement of these rules.

This has led to specific requests for designation of Guild Avenue, and staff anticipates additional requests. In order to improve our response time to such requests, staff is recommending that the Traffic Resolution be modified to allow the Public Works Director to designate these routes.

FISCAL IMPACT: Since signs are optional and staff anticipates mainly relying on a published map, implementation costs are minimal and can be absorbed within the operating budget.

FUNDING AVAILABLE: Not applicable.

 Richard C. Prima, Jr.
 Public Works Director

RCP/pmf
 Attachments
 cc: Rick Anderson, Constellation Wines

APPROVED: _____
 Blair King, City Manager

TRUCK MAP LEGEND

TRUCK LENGTHS & ROUTES

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION



STAA ROUTES In California the STAA Network consists of the National Network (green) routes and Terminal Access (blue) routes. STAA trucks (green trucks) are limited to the green and blue routes and use highways "...which provide reasonable access to terminals and facilities for purposes limited to **fuel, food, lodging, and repair** when that access is consistent with safe operation... and when the facility is within **one road mile of identified points of ingress and egress**..." Use of unidentified local streets and roads requires prior approval from local highway authority. See: CVC 35401.5(c)



STAA Truck Tractor - Semitrailer

Semitrailer length : 48 feet maximum
KPRA* : no limit
Overall length : no limit *(KPRA = kingpin-to-rear-axle)



Semitrailer length : over 48 feet up to 53 feet maximum
KPRA : 40 feet maximum for two or more axles,
38 feet maximum for single-axle trailers
Overall length : no limit



STAA Truck Tractor - Semitrailer - Trailer (Doubles)

Trailer length : 28 feet 6 inches maximum (each trailer)
Overall length : no limit



Terminal Access - STAA trucks may travel on State highways that exhibit this sign.



Service Access - STAA trucks may travel up to one road mile from the off ramp to obtain services (food, fuel, lodging, repairs), provided the route displays this sign.



CALIFORNIA LEGAL ROUTES California Legal trucks (black trucks) can travel on STAA routes (green and blue routes), CA Legal routes (black routes), and Advisory routes (yellow routes). CA Legal trucks have access to the entire State highway system except where prohibited (some red routes).



California Legal Truck Tractor - Semitrailer

Semitrailer length : no limit
KPRA : 40 feet maximum for two or more axles,
38 feet maximum for single-axle trailers
Overall length : 65 feet maximum



California Legal Truck Tractor - Semitrailer - Trailer (Doubles)

Option A
Trailer length : 28 feet 6 inches maximum (each trailer)
Overall length : 75 feet maximum
Option B
Trailer length : one trailer 28 feet 6 inches maximum
other trailer may be longer than 28 feet 6 inches
Overall length : 65 feet maximum



CA LEGAL ADVISORY ROUTES - CA Legal trucks only; however, **travel not advised** if KPRA length is over posted value. KPRA advisories range from 30 to 38 feet.



SPECIAL RESTRICTIONS - Route restricted for vehicle length or weight, cargo type, or number of axles.

7/07

TRUCK NETWORKS on California State Highways

DISTRICT 3

Map 3 of 12

Not to scale

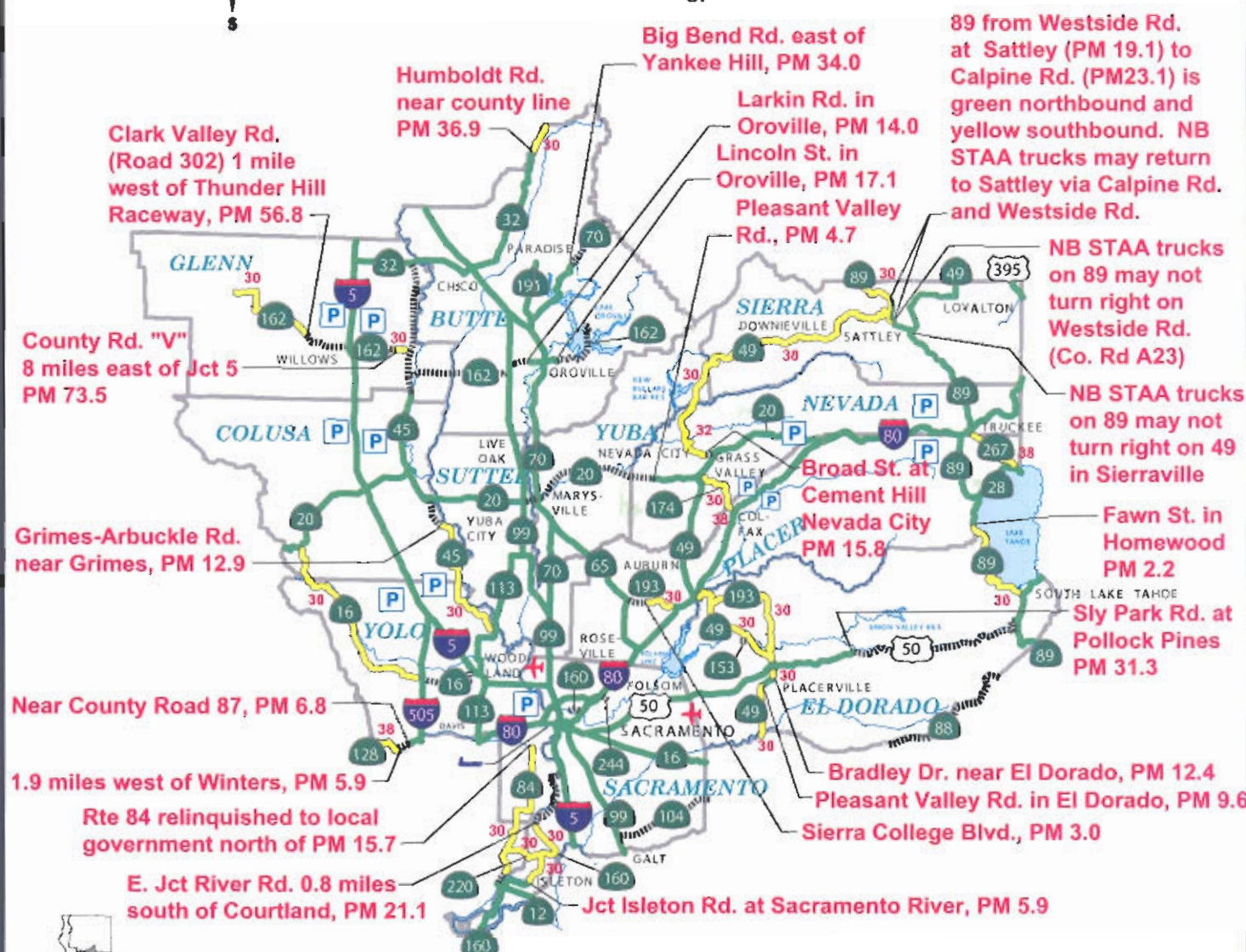
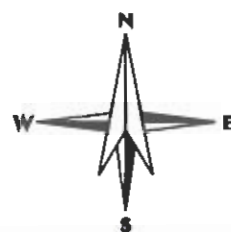
Last revised February 9, 2005

LEGEND*

- STAA Network
- California Legal Network
- Ca Legal Advisory Route
- KPRA** Advisory
- Port
- Airport
- Rest Area

*Note: For a more detailed legend, return to California map and click on "Truck Map Legend."

**KPRA = kingpin-to-rear-axle distance



RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
TRAFFIC RESOLUTION NO. 97-148, SECTION 8 (B), WEIGHT
LIMIT/COMMERCIAL VEHICLE RESTRICTIONS, BY AUTHORIZING
THE PUBLIC WORKS DIRECTOR TO APPROVE TRUCK
ACCESS ROUTES

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
approve amending Traffic Resolution No. 97-148 Section 8 (B) authorizing the Public
Works Director to approve Truck Access Routes to be identified on a map published and
on file in the Public Works Department.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the
City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following
vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Allocate \$42,000 in Public Benefit Program Funds for the Lodi CARE Package Program and Execute a Contract With the Lodi Salvation Army to Administer This Program (EUD)

MEETING DATE: August 1, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to allocate \$42,000 in Public Benefit Program funds for the Lodi CARE Package Program and execute a contract with the Lodi Salvation Army to administer this program.

BACKGROUND INFORMATION: Since late 2004, the City of Lodi has provided a special grant program designed to assist Lodi families in paying their monthly utility bill. To qualify for a grant, a customer must earn less than the published federal income guidelines. Specifically, the Lodi CARE Package Program will provide a relief payment of up to \$110.00* for eligible families/customers. Other program specifics include:

- A customer in need will be interviewed by staff of the Lodi Salvation Army at the Lockeford Street facility; the family/customer must meet eligibility requirements, as listed on 'Attachment A;'
- If approved for a relief payment, the Salvation Army will notify the City of Lodi Finance Department of eligible customer name, and the exact amount of the relief payment;
- The Salvation Army will also notify the City of Lodi Electric Utility Department of approved customers; these customers will automatically be enrolled in the Lodi Energy Audit Program and receive a free in-home energy audit;
- Customers are eligible to receive a maximum grant amount of \$110 every six months;
- A set of income guidelines has been developed for this program, and will be utilized as part of the assessment process conducted by the Salvation Army (please see 'Attachment B'); and
- In order to receive the maximum relief payment of \$110, a customer must have no past due amounts owed to the City of Lodi, and must be able to pay the remaining portion of their current City of Lodi utility statement (the water and wastewater charges).

The following two entities are providing the funds available for the relief payments:

- City of Lodi Electric Utility - \$42,000 total; of this amount, up to \$34,000 is earmarked for relief payments to the customers in need. The \$34,000 is ONLY for payment of the electric utility component of the customer's bill. \$7,500 is earmarked as the payment due to the Salvation Army for their assessment services, and \$500 is earmarked for customer outreach and material preparation costs.
- WM® Waste Management - \$10,000 total; these funds will be designated solely for the purpose of paying the refuse component of a customer's bill (maximum payment is \$20 per customer; one such payment every six months).

APPROVED: _____
Blair King, City Manager

Adopt Resolution Authorizing the City Manager to Allocate \$42,000 in Public Benefit Program Funds for the Lodi CARE Package Program and Execute a Contract With the Lodi Salvation Army to Administer This Program (EUD)
August 1, 2007
Page 2 of 2

Since the program's inception, 669 Lodi customers have participated in the program and received a grant payment. Based upon funds earmarked for the 2007-2008 fiscal year program, up to 375 customers could receive a relief payment (Note: based upon historical data and customer participation, it is anticipated that up to 375 customers will receive assistance during the course of the 2007-2008 fiscal year program). The intent of the Lodi CARE Package Program is to assist those customers – currently living on wages 20 percent below the published federal income guidelines – in paying their monthly City of Lodi utility bill, particularly when the customer is facing a difficult period. The program is a “safety net” of sorts for customers experiencing a particularly difficult or unexpected financial hardship.

In order to adequately qualify customers for a relief payment, staff is recommending that the Lodi Salvation Army serve as the day-to-day administrator of the program. The Salvation Army will charge the City of Lodi a fee of \$20 per customer assessment (not to exceed \$7,500 during the 2007-2008 fiscal year). The Salvation Army has provided the assessment services since late 2004 for this program, as well as other contractual services with the City of Lodi. For these reasons, staff requests that the Lodi City Council dispense with the bid process, pursuant to Lodi Municipal Code 3.20.070.

Electric Utility staff respectfully recommends approval of this program for the fiscal year 2007-2008 as a qualifying expenditure of the City of Lodi Public Benefits Program.

*This relief payment was derived by assessing the average bill of a utility customer currently receiving a rate discount as part of the Lodi SHARE Program (the SHARE rate discount provides eligible customers with a monthly 30% rate break on their City of Lodi electric bill). Two months were used as part of the assessment (July and November 2006). Of these two months, the average July utility bill for electric only was \$91, while the average November utility bill for electric only was \$47. Based upon this assessment, it was determined that the electric utility component of the relief payment be capped at \$90. Also during this aforementioned assessment process, it was determined that the average refuse component of a City of Lodi utility statement is \$21 (hence, a cap of \$20 is recommended as the refuse component of the relief payment).

FISCAL IMPACT: The City will expend up to \$42,000 in Public Benefit Program funds to provide and administer grants to customers in need.

FUNDING: 164606 – Public Benefits Program Fund (Category: Low-Income Customer Assistance)

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service & Programs

GFM/RL/lt

Attachments

RESOLUTION NO. 2007-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO ALLOCATE VARIOUS FUNDS FOR THE LODI
CARE PACKAGE PROGRAM, AND FURTHER AUTHORIZING THE
CITY MANAGER TO EXECUTE A CONTRACT WITH THE
SALVATION ARMY TO ADMINISTER THIS PROGRAM

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
authorize the City Manager to allocate Public Benefit Program funds for the Lodi CARE
Package Program in the amount of \$42,000 as follows:

164606 – Public Benefits (Category: Low-Income Customer Assistance); and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and
directed to execute a contract with the Salvation Army to administer this program.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-____ was passed and adopted by the
Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Allocate a Combined \$39,971 in Public Benefit Program Funds to Extend For One Year the *Lodi LivingWise Program* and the *Lodi Solar Schoolhouse Project* and Execute Contracts With the Resource Action Programs (*Lodi LivingWise Program*) and The Rarus Institute (*Lodi Solar Schoolhouse Project*) to Assist in Coordinating These Educational Programs (EUD)

MEETING DATE: August 1, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to allocate \$39,971 from the Lodi Public Benefits Program fund to extend for one year the *Lodi LivingWise Program* and the *Lodi Solar Schoolhouse Project*, and authorize the City Manager to execute contracts with Resource Action Programs (*Lodi LivingWise Program*) and The Rarus Institute (*Lodi Solar Schoolhouse Project*) to assist in coordinating these educational programs.

BACKGROUND INFORMATION: Lodi Electric Utility has provided a pair of unique and engaging educational programs for Lodi students and educators since 2002. Under California law, all electric service providers in the state must maintain a Public Benefits Program, incorporating four major elements: 1) assistance for low-income customers, 2) renewable energy resources & technologies, 3) demand-side management/energy efficiency, and 4) energy research. These two educational programs are categorized as energy efficiency (*Lodi LivingWise Program*) and renewable energy resources (*Lodi Solar Schoolhouse Project*). Below is a description of the two programs:

> *Lodi LivingWise Program*: Nearly 2,000 Lodi students and their families have participated in this program since 2003. The program provides students and educators at Lodi area schools with a useful tool that demonstrates energy and water conservation. The budget for the 2007-2008 school year (Lodi fiscal year) is \$19,971.

For the 2007-2008 school year, Lodi Electric Utility staff is once again proposing to provide 437 energy and water conservation kits to 6th grade students throughout Lodi. Each kit contains a compact fluorescent lamp, an Electro luminescent (energy efficient) Night Light, a low-flow showerhead, faucet aerators, a water leak test for toilets, Teflon tape, tape measure, air temperature monitor, an energy efficiency CD-ROM game, tips on energy/water conservation, and specific ways to weatherize/insulate the home. Once the kits are delivered to the classroom, and the teacher has received their training packet, students are instructed on how/why to implement the contents of the kit at their home. There are pre-installation and post-installation course discussions that are provided to the instructors to ensure that the students are fully engaged in the project. After the students have installed the contents of their kit at home, an assessment is produced by Resource Action Programs staff to determine projected energy and water savings associated with the installation of the various energy/water conservation measures. To "kick-off" the project, an Electric Utility staff member visits each classroom to reinforce the significance of the project and discuss the importance of energy/water conservation.

While the project educates students on the importance of energy/water conservation, it also complements the energy education curriculum mandated by the State of California for all 4th through 6th grade students. Teacher feedback continues to indicate that our program is an excellent "fit" for portions of their math, science and or energy education curriculum. The *Lodi LivingWise Program* was implemented in sixteen (16) sixth-grade classrooms throughout the community during the 2006-2007 school year.

APPROVED: _____
Blair King, City Manager

Adopt Resolution Authorizing the City Manager to Allocate a Combined \$39,971 in Public Benefit Program Funds to Extend For One Year the *Lodi LivingWise Program* and the *Lodi Solar Schoolhouse Project* and Execute Contracts With the Resource Action Programs (*Lodi LivingWise Program*) and The Rahus Institute (*Lodi Solar Schoolhouse Project*) to Assist in Coordinating These Educational Programs (EUD)
August 1, 2007
Page 2 of 2

> *Lodi Solar Schoolhouse Project*: Since 2002, over a thousand Lodi students have been involved in one aspect or another of this project. The *Lodi Solar Schoolhouse Project* is aimed at educating students in grades 3 through 12 regarding the importance of renewable energy resources, like the sun and wind, and the critical role these energy resources will most likely have on their future.

To assist in implementing this program, Electric Utility staff has in the past utilized and want to continue with the professional services of The Rahus Institute, a not-for-profit organization based in Martinez, California. For the 2007-2008 school year (and Lodi fiscal year), the *Lodi Solar Schoolhouse Project* will have several key elements, including: the 2008 Lodi Solar Olympics (the event, held on the second Saturday in May at Lodi High School, involves over 400 area students; the students create model boats and cars, fountains, ovens, and homes, all powered by solar), the Solar Schoolhouse Summer Institute (provides funding for two Lodi educators to attend a week-long renewable energy resource training camp), presentations on clean energy at the Lodi Energy Smart Workshop events, and delivery of the new DVD/book entitled 'Teaching Solar' to area educators. In addition, The Rahus Institute staff will provide in-classroom presentations where requested, as well as ongoing consulting services to Lodi Electric Utility staff regarding solar and wind energy issues.

As is the case with the *Lodi LivingWise Program*, the *Lodi Solar Schoolhouse Project* complements the energy education curriculum mandated by the State of California, allowing numerous Lodi educators to fulfill this educational requirement.

By way of this Council action, Electric Utility staff is recommending approval of these Public Benefit Program funds for both aforementioned projects, as well as the approval of the attached contracts with 1) Resource Action Programs to assist in administering/implementing the *Lodi LivingWise Program*, and 2) The Rahus Institute to assist in administering/implementing the *Lodi Solar Schoolhouse Project*. As both firms have proven to provide excellent service to the City of Lodi over the past several years, the Electric Utility Department respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070, and authorize the City Manager to execute professional service contracts with these firms, thus extending the programs out for the 2007-2008 fiscal year.

FISCAL IMPACT: Not applicable.

FUNDING: 164605 – Public Benefits (Demand-side Management) - \$19,971
164608 – Public Benefits (Renewable Energy Resources) - \$20,000

Kirk Evans, Budget Manager

George F. Morrow
Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service & Programs

GFM/RL/lt

Attachments

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO ALLOCATE PUBLIC BENEFIT PROGRAM
FUNDS TO EXTEND THE LODI LIVINGWISE PROGRAM AND THE
LODI SOLAR SCHOOLHOUSE PROJECT FOR ONE YEAR; AND
FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE
CONTRACTS WITH THE RESOURCE ACTION PROGRAMS
AND RAHUS INSTITUTE TO ASSIST IN COORDINATING
THESE PROGRAMS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the City Manager to allocate a combined \$39,970.90 in Public Benefit Program funds to extend for one year the Lodi Livingwise Program and the Lodi Solar Schoolhouse Project; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute contracts with the Resource Action Programs (Lodi Livingwise Program) and The Rahus Institute (Lodi Solar Schoolhouse Project) to assist in coordinating these educational programs.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Allocate Public Benefit Program Funds to Five Energy Efficiency Rebate Programs For the 2007-08 Fiscal Year (\$250,000) (EUD)

MEETING DATE: August 1, 2007

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: Adopt a resolution authorizing the City Manager to allocate Public Benefit Program funds to five Energy Efficiency Rebate Programs for the 2007-08 fiscal year (\$250,000).

BACKGROUND INFORMATION:

Lodi Appliance Rebate Program- \$35,000

Since 1999, the Lodi Electric Utility Department (EUD) has maintained the *Lodi Appliance Rebate Program*, providing rebates for various energy efficient home appliances. Since the programs inception, thousands of Lodi residents and business owners have participated in this program.

For the fiscal year 2007-2008, the EUD is recommending that \$35,000 in Public Benefit Program funds be allocated to extend this successful program. Under the program, eligible* customers would receive the following rebates:

- > EnergyStar® refrigerator \$50 rebate;
- > EnergyStar® dishwasher \$25 rebate; and
- > EnergyStar® clothes washer \$75 rebate.

To qualify for a rebate, customers must purchase the aforementioned home appliance(s) from one of the six participating Lodi retailers, including: Anderson Maytag, Ben's Appliance, Kundert & Bauer, Les' Appliance, Lowe's of Lodi, and Reo's Appliance.

EnergyStar® appliances consume, on average, twenty percent to thirty-five percent *less* electricity annually than a standard home appliance (refrigerator, dishwasher and clothes washer), which makes the purchase and installation of a high efficiency home appliance an extremely attractive, and cost effective, energy conservation measure.

Lodi Energy Efficient Home Improvement Rebate Program- \$40,000

In 2003, the City of Lodi EUD introduced the *Lodi Energy Efficient Home Improvement Rebate Program (LEEHIRP)*. This program provides various rebates to residential customers who purchase and install designated and approved energy conservation measures. For the 2007-2008 fiscal year, the EUD is proposing the following conservation measures, and rebate amounts:

- > air duct replacement \$700
- > air duct repair \$250
- > HVAC* system performance test \$100 per HVAC repair or replacement

APPROVED: _____
Blair King, City Manager

Adopt Resolution Authorizing the City Manager to Allocate Public Benefit Program Funds to Five Energy Efficiency Rebate Programs For the 2007-08 Fiscal Year (\$250,000) (EUD)

August 1, 2007

Page 2 of 3

> high efficiency central air cond.	\$175	(must install 14+ SEER** HVAC unit or 13 SEER rooftop unit with variable speed drive)
> ultra-high efficiency central air cond.	\$275	(must install 17+ SEER HVAC unit)
> attic/wall insulation	\$ 0.15/sq. ft.	(must increase attic insulation to an R-38 and wall insulation to an R-8 energy efficiency value)
> radiant barrier/thermal shield	\$150	
> whole house fan	\$100	
> attic fan	\$ 40	
> shade screens/window tinting	\$ 0.50/sq. ft.	

Note- The maximum allowable rebate under this program is \$350 per customer service address, with an additional \$250 allowance for air duct repairs, or an additional \$700 allowance for air duct replacement, if eligible. Customers must also consent to potential pre- and post-inspections of their property. In addition, in order to qualify for either high efficiency central air conditioner rebate mentioned above, the customer must address any recommended air duct repair or replacement issues.

By installing some, or all, of the aforementioned energy conservation measures, residential customers may decrease monthly energy consumption from five percent, to as much as thirty percent (the actual energy savings will vary depending upon the number of conservation measures installed, the quality of installation and personal energy use patterns).

* HVAC – heating, ventilation and air conditioning

** SEER – seasonal energy efficiency rating

Lodi G-1 Commercial Rebate Program- \$20,000

This program, first introduced in 1999, provides rebates to commercial customers under the electric rate classification of G-1. Specifically, the program offers a dollar-for-dollar rebate of up to \$200 for the purchase and installation of any/all of the following energy conservation improvements:

- ceiling fans; attic fans/ventilators; weather-stripping; attic insulation; air duct replacements/repairs; window tinting/shade screens/awning covers; HVAC/refrigeration (such as an annual diagnostic and preventative maintenance service for each HVAC unit and/or refrigeration system).

In addition, eligible customers may receive a rebate of 15 percent or \$750 (which ever amount is less), for installing a high efficiency mechanical system (13+ SEER air conditioner), or a lighting improvement/retrofit.

Participating customers must be on the published G-1 electric rate schedule, current on all City of Lodi utility charges and consent to a potential pre- and post-inspection. Since the programs inception, over 625 small businesses have reduced energy consumption by installing some or all of the aforementioned energy efficiency measures, and received a rebate from the City of Lodi. The average annual energy savings that can be achieved is 5 percent to 25 percent, depending upon the energy efficiency measure(s) installed.

Lodi G-2 Commercial Rebate Program- \$30,000

This is a new program proposed for the 2007-2008 fiscal year. The rebates are designed specifically for commercial customers assigned to the G-2 electric utility rate. Eligible customers may receive a rebate of up to \$5,000 for purchasing and installing any/all of the following energy conservation measures: building automation/energy management control systems, lighting retrofits, chiller & mechanical equipment change outs, annual HVAC/refrigeration service or maintenance, and special projects.

Adopt Resolution Authorizing the City Manager to Allocate Public Benefit Program Funds to Five Energy Efficiency Rebate Programs For the 2007-08 Fiscal Year (\$250,000) (EUD)

August 1, 2007

Page 3 of 3

An approved rebate under this program calls for a minimum 10 percent energy savings, and the total rebate available is \$5,000 in a 12-month period for qualifying projects (one per customer of record). The rebate is calculated on total kilowatt-hour (kWh) savings; for the fiscal year 2007-2008, the rebate per kWh savings will be \$0.15/kWh (thus, if a customer develops, and presents to the utility, a project that will save 20,000 kWh in a year, the total rebate will be \$3,000; $20,000 \text{ kWh} \times \$0.15/\text{kWh} = \$3,000$).

Lodi G-3 to I-1 Commercial/Industrial Rebate Program- \$125,000

For the 2007-2008 fiscal year, the EUD is proposing to continue this program, with a total budget of \$125,000 for rebates. Eligible customers, assigned to the G-3, G-4, G-5, or I-1 electric utility rate, will have the opportunity to receive a maximum rebate of \$12,500 for qualifying projects, including: lighting retrofits, process/manufacturing equipment & heavy refrigeration improvements, chillers & mechanical equipment change-outs, building automation/energy management control systems improvements, and building envelope retrofits.

An approved rebate will be based upon the following criteria:

- a minimum of 10 percent electric energy savings per energy efficiency measure installed;
- a minimum of 10 percent operations and maintenance savings per energy efficiency measure installed;
- inclusion of all required engineering, design, labor, and materials documentation (a customer seeking a utility rebate must provide a detailed description of the energy efficiency project; calculated energy savings audit associated with the project; calculated operations and maintenance savings associated with the project; total "turn-key" cost of the project; design/engineering specifications, design drawings, equipment manufacturer cut sheets; baseline energy consumption data of the existing equipment being removed).

The total rebate available per City of Lodi fiscal year (one per customer of record) is \$12,500 for qualifying projects. The rebate is calculated on total kilowatt-hour (kWh) savings; for the fiscal year 2007-2008 program, the rebate per kWh of savings will be \$0.15 (thus, if a customer develops, and presents to the utility, a project that will save 50,000 kWh in a year, the total rebate will be \$7,500; $50,000 \text{ kWh} \times \$0.15 = \$7,500$).

The EUD respectfully recommends approval of these five (5) programs as qualifying components of the City of Lodi Public Benefits Program, under the category of demand-side management or energy conservation.

(* Eligible customer: must be a City of Lodi Electric Utility customer)

FISCAL IMPACT: \$250,000

FUNDING AVAILABLE: 164605 – Public Benefits Program (Category: Demand-side Management)

Kirk Evans, Budget Director

George F. Morrow
Electric Utility Director

Prepared By: Rob Lechner, Manager, Customer Service & Programs

GFM/RL/lt

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING
THE CITY MANAGER TO ALLOCATE PUBLIC BENEFIT PROGRAM
FUNDS TO FIVE ENERGY EFFICIENCY REBATE PROGRAMS
FOR THE 2007-08 FISCAL YEAR

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to allocate \$250,000 in Public Benefits Program funds for the following rebate programs during the 2007-2008 fiscal year:

\$ 35,000	Lodi Appliance Rebate Program
\$ 40,000	Lodi Energy Efficient Home Improvement Rebate Program
\$ 20,000	Lodi G-1 Commercial Rebate Program
\$ 30,000	Lodi G-2 Commercial Rebate Program
\$125,000	Lodi G-3 to I-1 Commercial/Industrial Rebate Program

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES:	COUNCIL MEMBERS –
NOES:	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Resolution Adding a Position (Fire Plans Examiner) and Appropriating \$80,000 in the Community Development Department.

MEETING DATE: August 1, 2007

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Approve Resolution adding a position (Fire Plans Examiner) and appropriating \$80,000 in the Community Development Department.

BACKGROUND INFORMATION: The proposed Fire Plans Examiner position was not included in the 2007-08 budget approved by the City Council on May 31, 2007. Since the position was not included in the budget nor was it listed as an authorized position in the "Positions Summary", staff is asking for Council approval based on a perceived need to fill this new position. If approved, this position will allow for a "one stop approach" for the review of plans and the inspection of building improvements by the Building Division of the Community Development Department. Currently, the review of plans for fire sprinklers and other fire prevention related elements of building plans is done by the Fire Department. The Fire Department has not had an individual trained in this element of plan review and has sent plans to an outside professional for this review. The consolidation of the review of all elements of the building plans within the Community Development Department will allow for less time in "plan review" and should result in a more efficient and less costly process. Since this position would take the place of the review by an outside professional, it would also mean the reduction of the use of outside consultants.

Exhibit A shows the duties and qualifications for this position. Based on this job description and other elements of the position, it would be designated by the City Manager to be part of the Mid-Management bargaining unit. If approved, the salary range for the Fire Plans Examiner would be \$56,544 to \$70,596 annually. It is anticipated that it will take approximately two months from the time of City Council action to recruit and fill for the position. The requested appropriation encompasses the salary and benefits for nine months of fiscal year 2007-08 for this new position.

FISCAL IMPACT: The salary and benefits for the position for an entire fiscal year would be approximately \$105,000. If approved, the impact in the current year would be for nine months and \$80,000. Although there will be efficiencies that will result from this operational change, the budgets in the two departments effected (Fire and Community Development) would not be reduced at this time.

FUNDING AVAILABLE: The increase of \$80,000 in the Community Development Budget would come from the General Fund and would result in an increase in the transfer amount from the General Fund to the Community Development Fund.

The Appropriation (Budget) adjustments would be as follows: Increase Community Development Fund appropriations by \$80,000 and transfers from other funds (General Fund) by \$80,000.

James R. Krueger, Deputy City Manager

Attachment

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE
ADDITION OF A FIRE PLANS EXAMINER POSITION IN THE
COMMUNITY DEVELOPMENT DEPARTMENT

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the addition of a Fire Plans Examiner position in the Community Development Department, which will be incorporated into the Mid-Management bargaining unit; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby approve the job specification for the Fire Plans Examiner, as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED, that the City Council hereby approves the salary range as follows:

<u>Fire Plans Examiner</u>				
S T E P				
A	B	C	D	E
\$4840	\$5082	\$5336	\$5603	\$5883

BE IT FURTHER RESOLVED, that funds be appropriated as follows: Increase Community Development Fund appropriations by \$80,000 and transfer from other funds (General Fund) \$80,000.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

CITY OF LODI

August ----- 2007

FIRE PLANS EXAMINER**DEFINITION**

Under general direction of the Building Official, performs professional fire protection activities of a complex nature involving the plan review and field inspection of the fire related aspects of commercial, industrial and residential building construction and new development projects to ensure conformance with applicable laws, ordinance, standards, plans, specifications, and departmental regulations. This position is located in the Community Development Department.

DISTINGUISHING CHARACTERISTICS

This classification is generally certified as a Fire Plans Examiner by the International Fire Code Institute (IFCI) and is familiar with and can apply the various codes, ordinances, and state laws.

SUPERVISION EXERCISED AND RECEIVED

Receives direction from the Building Official, beginning with specific direction and evolving toward general direction as experience and training progress. May exercise supervision when assigned.

ESSENTIAL AND MARGINAL FUNCTIONS

Duties may include, but are not limited to the following:

- Examines residential, commercial, industrial, civil improvement drawings, fire sprinklers and fire alarms drawings as well as other fire protection equipment submitted for a fire permit for compliance with the California Building Code, California Fire Code, NFPA standards, and local codes and ordinances;
- Minimal inspection of residential, commercial, and industrial building projects at various stages for compliance with all pertinent codes, regulations, and ordinances; issues fire permits;
- Answers questions regarding building and fire code regulation at the counter and on the telephone;
- Coordinates the plan checking process with other departments as needed.
- Informs and instructs owners and contractors on corrections required during the plan check process;
- Produces clear, precise correction notices pursuant to job site field inspections; Interacts with architects and engineers on matters pertaining to codes, and regulations.

QUALIFICATIONS:**Knowledge of:**

- Detailed content of CA building and fire codes, National Fire Protection Association (NFPA) Standards such as NFPA 13 for fire sprinklers and NFPA 72 for fire alarms, ordinances, and state laws; as well as other fire protection equipment
- Fire protection plan review principles and practices as applied to all types of residential, commercial and industrial buildings; attributes and characteristics of building structure and construction practices in the City of Lodi;

Ability to:

- Read and interpret commercial or industrial plans;
- Answer questions and provide clarification about issues related to California and NFPA fire codes;
- Work with and review structural designs or plans;
- Ability to plan review civil improvement drawings for access and water supply, building construction drawings for fire and life safety requirements, fire protection drawings, and fire alarm drawings.
- Safely operate a motor vehicle on public or private roads and around a construction site;
- Comply with and strengthen construction site safety procedures and practices;
- Establish and maintain effective working relationships with the general public, co-workers, and with members of the public from diverse cultural and linguistic backgrounds;
- Supervise and direct other employees and/or contractors;
- Confer with engineers, architects, contractors, etc;
- Prepare correspondence, maintain files and records;

EDUCATION AND EXPERIENCE GUIDELINES

Any combination of experience and education that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

- Equivalent to the Completion of high school or General Educational Development certificate (GED).

Experience:

Two years of progressively responsible experience in plan review or fire inspection

or

One year of plan review or fire inspection experience and completion of CA State Fire Training classes Fire Prevention 1A, 1B and 1C.

LICENSES AND CERTIFICATES:

In possession of a Building Plans Examiner Certificate issued by the International Code Council (ICC), Fire Inspector I or II Code Institute (IFCI) or Plans Examiner by the California State Fire Marshal Office is highly desirable.

In possession of a valid Driver's License (Class C) issued by the California Department of Motor Vehicles.

WORKING CONDITIONS

Environmental Conditions- Office environment, may be required to travel from site to site.

Physical Conditions- Essential and marginal functions may require maintaining physical condition necessary for sitting, standing, bending and stooping for prolonged periods of time; using various office equipment including a computer screen and keyboard.

FLSA Status: NON-EXEMPT



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Resolution amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the period July 1, 2007 through September 30, 2011

MEETING DATE: August 1, 2007

PREPARED BY: Deputy City Manager

RECOMMENDED ACTION: Approve Resolution amending Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the period July 1, 2007 through September 30, 2011.

BACKGROUND INFORMATION: The Memorandum of Understanding (MOU) between the City of Lodi and the Lodi Police Mid-Management Organization (LPMO) expired on June 30, 2007. The MOU was extended from July 1, 2006 for one year through June 30, 2007 with no Cost of Living Adjustments or any other salary modifications. Prior to the expiration of the MOU, representatives from the LPMO, City staff and an outside negotiator (Bill Avery from Avery and Associates) began negotiations for the purpose of extending the MOU for another four years. The recommended elements of the MOU (as included in the attached tentative agreement, Exhibit A) are as follows:

- A salary survey was conducted, which included total compensation (salary, Public Employee Retirement System-employee contributions, health insurance premiums paid by employer, education incentives, certification pay, longevity pay and deferred compensation contributions by employer), for 15 cities as previously agreed upon in the current MOU. The survey results show that the LPMO is 11.7% below the median total compensation of the 15 comparative cities.
- Effective July 1, 2007 the Police Lieutenant Salary would be adjusted by 11.7% and will be used as the benchmark for the Police Captain and Sergeant salary that will be 20% and 20% below (respectively) the Lieutenant's salary range.
- Salary adjustments on July 1, 2008, July 1, 2009 and July 1, 2010 will be based on the results of salary surveys to be based on the total compensation amounts of the 15 cities as of July 1st of each year as calculated on July 30th.
- If City of Lodi General Fund revenues do not increase by at least 1% in any of the years starting after July 1st 2007, then the salary and benefits adjustments will be based on negotiations between the City of Lodi and LPMO.
- All other elements of the MOU remain unchanged.

APPROVED: _____
Blair King, City Manager

These terms include paying the bargaining unit employees based on market conditions and at the same time gives the City of Lodi an opportunity to re-negotiate should its financial condition change dramatically. Although General Fund revenues have not increased by less than 1% at any time over the last few years, staff is recommending that this escape clause be included in order to allow for the possibility of revenue declines in the last three years of the MOU.

FISCAL IMPACT: The current year salary modifications as recommended, would impact the General Fund by approximately \$200,000 per year. In subsequent years, the impact would vary depending on the results of total compensation surveys to be completed in those years and if revenues do not materialize, then the fiscal impact would vary in depending on renegotiated terms.

FUNDING AVAILABLE: The increase of \$200,000 to salary and benefits are available in the General Fund; and if the modification to the MOU is approved, there would be an adjustment to the various accounts in the Police Department budget to implement the needed adjustments to the 2007-08 budget.

James R. Krueger, Deputy City Manager

Attachments

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY
COUNCIL APPROVING MEMORANDUM OF
UNDERSTANDING WITH THE LODI POLICE
MID-MANAGEMENT ORGANIZATION

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Memorandum of Understanding between the City of Lodi and the Lodi Police Mid-Management Organization for the period July 1, 2007 through September 30, 2011; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute the Memorandum of Understanding on behalf of the City of Lodi.

Dated: July 18, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 18, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

Tentative Agreement

Article I-Salary and Term

Article 1.1

The City of Lodi and the LPMO mutually agree the Lieutenant position is the benchmark position for all members of this bargaining unit for determining employee's compensation.

Article 1.2

The Lieutenants salary increases will be calculated using the following formula.

The City of Lodi and LPMO shall establish a salary survey to include the following areas of comparison:

Salary
PERS employee contribution paid by employer
Health Care Contributions paid by employer
Education Incentives
POST Certificate Pay
Longevity Pay
Deferred Compensation Contributions

Effective July 1, 2007, once the survey is complete the LPMO and the City of Lodi will calculate the Median of the survey and the median will be used to calculate the Lieutenants salary increases. Each year's survey called for herein will be based on July 1st numbers calculated as of July 31st.

Article 1.3

Sergeant's salary increases will be calculated by dividing the Lieutenants salary by 1.20, creating a 20% separation between Lieutenant and Sergeant.

Article 1.4

Captain's salary increases will be calculated by multiplying the Lieutenants salary by 1.20, creating a 20% separation between Lieutenant and Captian.

Article 1.5

July 1st, 2007 a salary survey will be conducted using the formula in section 1.2. Salaries will be increased effective July 1st 2007 based on the survey. (Notwithstanding any changes occurring after the date of this Tentative Agreement, the first year increase will equal 11.7% for Lieutenants. Captains and Sergeants will be calculated as provided in Article 1.3 and 1.4.)

Article 1.6

July 1st 2008 a salary survey will be conducted using the formula in section 1.2. If City of Lodi General Fund Revenues increase by 1% or more (using audited revenues for the year ended June 30, 2006 in comparison with audited revenues for the year ended June 30, 2007) , then salaries will be increased effective July 1st 2008, based on the survey. If General Fund Revenues do not increase by at least 1%, then LPMO and the City of Lodi will reopen negotiations with regard to salary and benefits.

Article 1.7

July 1st 2009 a salary survey will be conducted using the formula in section 1.2. If City of Lodi General Fund Revenues increase by 1% or more (using audited revenues for the year ended June 30, 2007 in comparison with audited revenues for the year ended June 30, 2008) , then salaries will be increased effective July 1st 2009, based on the survey. If General Fund Revenues do not increase by at least 1%, then LPMO and the City of Lodi will reopen negotiations with regard to salary and benefits.

Article 1.8

July 1st 2010 a salary survey will be conducted using the formula in section 1.2. If City of Lodi General Fund Revenues increase by 1% or more (using audited revenues for the year ended June 30, 2008 in comparison with audited revenues for the year ended June 30, 2009) , then salaries will be increased effective July 1st 2009, based on the survey. If General Fund Revenues do not increase by at least 1%, then LPMO and the City of Lodi will reopen negotiations with regard to salary and benefits.

Article 1.9

The terms and conditions of this MOU shall continue in effect during the term of this MOU. The City of Lodi and LPMO agree that the term is July 1st, 2007 through September 30, 2011

Article 1.10

The City of Lodi and the LPMO agree to commence negotiations no later than (3) months prior to expiration of the MOU or three months prior to July 1st 2008 if City revenues do not increase by at least 1% (as per Article 1.6) and three months prior to July 1st 2009 if City revenues do not increase by at least 1% (as per Article 1.7) and three months prior to July 1st 2010 if City revenues do not increase by at least 1% (as per Article 1.8).

Article 1.11

The City of Lodi and the LPMO agree that the salary survey cities shall be as follows:

Chico
Clovis
Davis
Fairfield
Manteca
Merced
Modesto
Redding
Roseville
Stockton
Tracy
Turlock
Vacaville
Visalia
Woodland

Article 1.12

LPMO will dismiss, and pursue no further administrative or legal action regarding, its grievance filed in 2007 under its MOU dated July 1 2006-June 30, 2007 concerning the Lodi Mid Management Association's grant of a 4% COLA and whether that action triggered LPMO's "Me Too" clause.

Article 1.13

Except as modified herein, all other terms of the MOU shall be the same as those for the LPMO MOU effective July 31, 2003-June 30, 2007.

Article 1.14

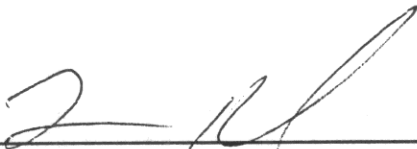
Article 35.4 of the LPMO MOU effective July 31, 2003-June 30, 2007 shall be amended to read as follows:


If a grievance is not resolved in Step One, Step two shall be the presentation of the grievance by the Association Representative, in writing, to the City Manager who shall answer, in writing, within fifteen work days of receipt of the grievance, the City Manager's decision shall be final and binding regarding the City's Administrative Process.

This Tentative Agreement only represents the tentative agreement of the negotiating parties. In order for it to become binding and effective it must first be approved by the Lodi City Council and the membership of the LPMO.

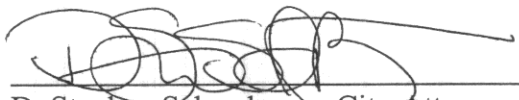
LPMO

THE CITY OF LODI, a municipal corporation

By: 
Lance Hayden, President

By: 
James Krueger, Deputy City Manager

APPROVED AS TO FORM:


D. Stephen Schwabauer, City Attorney



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Disbanding the Animal Shelter Task Force, Adopt Resolution Creating and Establishing Guidelines for the Lodi Advisory Animal Commission, and Directing the City Clerk to Post for the Seven Terms on the Newly Created Commission

MEETING DATE: August 1, 2007

PREPARED BY: Randi Johl, City Clerk

RECOMMENDED ACTION: Adopt the attached resolution disbanding the Animal Shelter Task Force, adopt the attached resolution creating and establishing guidelines for the Lodi Advisory Animal Commission, and directing the City Clerk to post for the seven terms on the newly created Commission.

BACKGROUND INFORMATION: The Animal Shelter Task Force was created on September 20, 2000, to review the needs of the Animal Shelter in the City of Lodi and provide both short-term and long-term recommendations regarding the same.

On June 6, 2007, the City Council provided staff with direction to obtain the specific information necessary in order to establish a permanent Animal Commission to serve in an advisory capacity, similar to other boards and commissions.

Attached for City Council consideration and approval is the proposed resolution creating and otherwise establishing the Lodi Advisory Animal Commission. Specific information includes, but is not limited to, membership, organization, meetings, purpose, and other information as requested. Given the above, staff recommends the City Council adopt a resolution dissolving the Animal Shelter Task Force, adopt a resolution creating and establishing the guidelines for the Lodi Advisory Animal Commission, and direct the City Clerk to post for the following seven terms:

Lodi Advisory Animal Commission

Term to expire December 31, 2008
 Term to expire December 31, 2008
 Term to expire December 31, 2009
 Term to expire December 31, 2009
 Term to expire December 31, 2010
 Term to expire December 31, 2010
 Term to expire December 31, 2010

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

RJ/jmp

 Randi Johl, City Clerk

APPROVED:

Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
DISBANDING THE LODI ANIMAL SHELTER
TASK FORCE

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the disbanding of the Lodi Animal Shelter Task Force effective immediately.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL CREATING
AND ESTABLISHING THE GUIDELINES FOR THE
LODI ANIMAL ADVISORY COMMISSION

=====

WHEREAS, the City of Lodi has a long-standing history of recognizing the need associated with the pet population in the community; and

WHEREAS, the City Council established the Animal Shelter Task Force on September 20, 2000, to review the needs of the Animal Shelter and provide short and long-term recommendations regarding the same; and

WHEREAS, the City Council recently acknowledged the need to create a permanent Commission to review, among other things, responsible pet ownership including benefits of spaying and neutering, proper care and shelter, and general awareness of issues concerning the humane treatment of animals; and

WHEREAS, the following design for the establishment of the Lodi Animal Advisory Commission is hereby submitted.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby creates the Lodi Animal Advisory Commission and hereby establishes the guidelines as follows:

Recitals

ORGANIZATION:

The Lodi Animal Advisory Commission (hereinafter "Commission") shall organize and adopt administrative rules and procedures consistent with the powers and duties provided to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

POWERS AND DUTIES:

1. Act in advisory capacity to the City Council in all matters pertaining to animals and to cooperate and coordinate with other governmental agencies and civic groups in the advancement of sound animal planning and programming;
2. Explore both the short-term and long-term needs of the Lodi Animal Shelter and investigate and make recommendations on possible funding sources to meet identified needs;
3. Make periodic inventories of animal services that exist and/or may be needed and present the same to the City Council;
4. Aid in coordinating and promoting pet population control measures through education and development of spay/neuter programs and explore funding opportunities for programs and education regarding the same;
5. Serve as an information and referral source on animals in the community.

MEMBERSHIP:

The Commission shall consist of seven (7) members appointed by the Mayor from a list of nominees with the approval of the City Council.

Each member of the Commission shall hold office for a term of three (3) years, except that:

1. The terms of the members first taking office shall expire as follows, as designated by the Mayor at the time of appointment: two (2) at the end of the first year, two (2) at the end of the second year, and three (3) at the end of the third year; and
2. As terms expire after the first and second year, succeeding appointees shall serve for three (3) years; and
3. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and
4. No member shall serve more than two (2) consecutive years per term. This provision shall only apply to persons appointed to fill vacancies within the membership.

Members of the Commission may consist of individuals representing other non-profit organizations, the veterinarian profession, the business community, and the general citizenry, among others.

No two voting members of the Commission shall be representatives, employees, and/or officers of the same group, association, corporation, and/or organization.

In addition to the Mayor, the City Manager, and the City Attorney, such other persons may be designated by the Mayor as ex officio members without vote from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Commission.

VACANCIES:

If a member of the Commission is absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, such office shall become vacant and shall be so declared by the Mayor. The Commission shall notify the City Clerk's office of such vacancy as soon thereafter its occurrence as practicable.

ANNUAL REPORT:

The Commission shall prepare and submit an annual report to the City Council no later than sixty (60) days after the end of each calendar year.

COMPENSATION:

Members of the Commission, the Chairman, and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for travel and subsistence expenses incurred in the performance of their official duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi but only to the extent that appropriations for such travel allowance have been approved by the City Council.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates, and statistics for the purposes of carrying out the provisions of this part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager is authorized and directed to furnish such information, suggestions, estimates, and statistics to the Commission upon request made by the Chairman of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS; LOCATIONS:

The Commission shall hold a monthly meeting on the 2nd Monday of each month at 6:00 p.m., in the Community Room of the Police Department, located at 215 West Elm Street, Lodi, California 95240. Such meeting shall be open to the public and comply with all applicable provisions of the Ralph M. Brown Act.

AUTHORITY NON-EXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission, or officer of the City of any power, duty, or function, which such Council, board, commission, or officer may now have or be hereafter granted, it being the intention that the powers and functions hereinabove provided to be exercised by the Commission be non-exclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission, or officer, to refer or submit to the Commission, or to receive from such any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission, or officer of any power, duty, or privilege, which it now may have or may hereafter be granted.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-____



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving the Balance of the Approved People Assisting Lodi Shelter (PALS) Public Art Project and Appropriating \$3,434

MEETING DATE: August 1, 2007

PREPARED BY: Deanie Bridewell

RECOMMENDED ACTION: Adopt Resolution Approving the Balance of the Approved People Assisting Lodi Shelter (PALS) Public Art Project and Appropriating \$3,434.

BACKGROUND INFORMATION: The City Council approved the PALS Public Art Project of a mural on the wall of the shelter facing Kettleman Lane at the meeting of July 18, 2007. The total cost of the project should have read \$61,434. The submitted amount of \$58,000 did not reflect the sales tax.

FISCAL IMPACT: No ongoing costs.

FUNDING AVAILABLE: This project has a remaining budget requesting \$3,434.

Kirk Evans, Budget Manager

James M. Rodems
Community Center Director

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE APPROPRIATION FOR THE
PEOPLE ASSISTING LODI SHELTER
PUBLIC ART PROJECT

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves amending the appropriation for the People Assisting Lodi Shelter (PALS) public art project, from \$58,000 to \$61,434, to include the cost for sales tax.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for September 5, 2007 to Receive Comments on and Consider Accepting the City of Lodi's Report on Water Quality Relative to Public Health Goals

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Set a public hearing for September 5, 2007, to receive comments on and consider accepting the required Report on Water Quality Relative Public Health Goals.

BACKGROUND INFORMATION: Attached is a report prepared by staff comparing Lodi's drinking water with California EPA's public health goals (PHGs) and with the US EPA's maximum contaminant level goals (MCLGs). PHGs and MCLGs are not enforceable standards and no action to meet them is mandated.

California Code of Regulations, Title 22, Section 116470 mandates that a report be prepared every three years. The attached report is intended to provide information to the public in addition to the Annual Water Quality Report mailed to each customer in April 2007. On June 30, 2007, a public notice appeared in the *Lodi News Sentinel* to inform any interested party of the Public Health Goals Report and its availability. The Report is also posted on the City's website.

The law also requires that a public hearing be held (which can be part of a regularly scheduled public meeting) for the purpose of accepting and responding to public comment on the report. A notice of public hearing will be published in the *Lodi News Sentinel*.

Our water system complies with all of the health-based drinking water standards and maximum contaminant levels (MCLs) as required by the California Department of Health Services and the US EPA. No additional actions are required or recommended.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Frank Beeler, Water/Wastewater Superintendent
RCP/FB/dsg
Attachments
cc: Charles E. Swimley, Water Services Manager
Frank Beeler, Water/Wastewater Superintendent

APPROVED: _____
Blair King, City Manager

CITY OF LODI
REPORT ON WATER QUALITY
RELATIVE TO PUBLIC HEALTH GOALS
JUNE, 2007

Background

Provisions of the California Health and Safety Code, Title 22, Section 116470, specify that larger water utilities (more than 10,000 service connections), are required to prepare a special report every three years detailing if their water quality measurements have exceeded any Public Health goals (PHGs). These are non-enforceable goals established by the Cal-EPA's Office of Environmental Health Hazard Assessment. As of January 1, 2007 Cal-EPA has adopted 93 PHGs. The law also requires that where Cal-EPA has not adopted a PHG for a constituent, the water suppliers are to use the enforceable Maximum Contaminant Level Goals (MCLGs) adopted by the United States Environmental Protection Agency (U.S. EPA). Only constituents which have a California primary drinking water standard and for which either a PHG or MCLG has been set are to be addressed per regulations.

The law specifies what information is to be provided in the report. If a constituent was detected in the water supply at a level exceeding an applicable PHG or MCLG, this report provides the information required by law. Included are:

- The numerical public health risk associated with the Maximum Contaminant Level (MCL) and the PHG or MCLG;
- The category or type of risk to health that could be associated with each constituent;
- The best treatment technology available that could be used to reduce the constituent level;
- An estimate of the cost to install that treatment if it is appropriate and feasible.

What are PHGs?

PHGs are Public Health Goals set by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment and are based solely on public health risk considerations. None of the practical risk-management factors that are considered by the U.S. EPA or the California Department of Health Services in setting enforceable drinking water standards (Maximum Contaminant Levels or MCLs) are considered in setting the PHGs. These factors include analytical detection capability, treatment technology available, benefits and costs. The PHGs are not enforceable and are not required to be met by any public water system. MCLGs are the federal equivalent to PHGs.

Water Quality Data Considered:

All of the water quality data collected by our water system in 2004 - 2006 for purposes of determining compliance with drinking water standards was considered. In the attached 2006 Annual Water Quality Report which was mailed to our customers in April 2007, only data

from 2006 was summarized. The attached 2006 Annual Water Quality Report also contains useful definitions for PHG, MCLG, MCL, microgram per liter, and milligram per liter.

Guidelines Followed:

The Association of California Water Agencies prepared guidelines for water utilities to use in preparing these required reports, and these guidelines were used in the preparation of our report. No guidance was available from state regulatory agencies.

Best Available Treatment Technology and Cost Estimates:

Both the U.S. EPA and the California Department of Health Services adopt what are known as Best Available Technologies or BATs which are the best known methods of reducing contaminant levels to the MCL. Costs can be estimated for such technologies. However, since many PHGs and all MCLGs are set much lower than the MCL, it is not always possible, nor feasible to determine what treatment is needed to further reduce a constituent downward to or near the PHG or MCLG, many of which are set at zero. Estimating the costs to reduce a constituent to zero is difficult, if not impossible, because it is not possible to verify by analytical means that the level has been lowered to a zero. In some cases, installing treatment to try and further reduce very low levels of one constituent may have adverse effects on other aspects of water quality. For example; to meet the Copper PHG, chemicals to further coat home plumbing would need to be added to Lodi's drinking water, and in GAC treatment systems, more frequent change outs of carbon and larger vessels keeping water in contact with activated carbon longer can both increase the risk of bacterial contamination.

The estimates below reflect only wellhead treatment capital and annual operation and maintenance costs for typical wells. Design, potential costs for additional land and other site specific requirements are not included, thus the potential costs are understated. These costs are not indicative of the total past and potential future costs to remediate groundwater throughout Lodi.

Constituents Detected That Exceed a PHG or a MCLG:

The following is a discussion of constituents that were detected in one or more of our drinking water sources at levels above the PHG, or if no PHG, above the MCLG.

Trichloroethylene (TCE): The PHG for TCE is 0.8 micrograms per liter (ug/L or parts per billion). The MCL or drinking water standard for TCE is 5 ug/L. We detected TCE at levels not exceeding the MCL in the discharges from 1 of Lodi's 25 City Wells used in 2006. The average for this City Well in 2004-06 was:

City Well No. 2 - 1.4 ug/L

The category of health risk associated with TCE, and the reason that a drinking water standard was adopted for it, is the people who drink water containing TCE above the MCL throughout their lifetime could theoretically experience an increased risk of getting cancer. The California Department of Health Services says that "Drinking water which meets this standard

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

(the MCL) is associated with little to none of this risk and should be considered safe with respect to TCE.” (*CDHS Blue Book of drinking water law and regulations, Section 64468.2, Title 22, CCR.*) The Best Available Technology for TCE to lower the level below the MCL is either Granular Activated Carbon or Packed Tower Aeration. Since the TCE level in these two City Wells is already below the MCL, a Granular Activated Carbon Treatment System with larger vessels would likely be required to attempt to keep TCE levels to below 0.8 ug/L. The estimated cost to install such a treatment system on one City Well and enhance the capacity on one City Well with an existing treatment system that would reliably reduce the TCE level to below 0.8 ug/L would be approximately \$450,000 and require annual Operation and Maintenance at a cost of approximately \$5 per year. This would result in an assumed increased cost for each customer of approximately \$5 per year*.

Dibromochloropropane (DBCP): The PHG for DBCP is 1.7 nanograms per liter (ng/L or parts per trillion). The MCL for DBCP is 200 ng/L. We detected DBCP at levels not exceeding the MCL in the discharges from thirteen of Lodi’s 25 City Wells used in 2006. City Well No. 8 was not used in 2006, but could be used if treatment were installed and is included as a fourteenth City Well below in cost calculations. The averages for these City Wells in 2004-06 were:

City Well No. 1R	-	89 ng/L
City Well No. 4R	-	39 ng/L
City Well No. 6R	-	160 ng/L
City Well No. 8	-	252 ng/L
City Well No. 13	-	81 ng/L
City Well No. 14	-	84 ng/L
City Well No. 16	-	13 ng/L
City Well No. 17	-	180 ng/L
City Well No. 18	-	35 ng/L
City Well No. 19	-	110 ng/L
City Well No. 20	-	46 ng/L
City Well No. 21	-	4 ng/L
City Well No. 22	-	22 ng/L
City Well No. 23	-	40 ng/L

The category for health risk associated with DBCP, and the reason that a drinking water standard was adopted for it, is the people who drink water containing DBCP above the MCL throughout their lifetime could theoretically experience an increased risk of getting cancer. The California Department of Health Services says that “Drinking water which meets this standard (the MCL) is associated with little to none of this risk and should be considered safe with respect to DBCP.” (*CDHS Blue Book of drinking water law and regulations, Section 64468.3, Title 22, CCR.*) The numerical health risk for an MCLG of zero is zero. The Best Available Technology for DBCP to lower the level below the MCL is either Granular Activated Carbon or Packed Tower Aeration. To attempt to maintain the DBCP levels at

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

zero, Granular Activated Carbon Treatment Systems with longer empty bed contact times and more frequent carbon change-outs would likely be required. The estimated cost to install such a treatment system on eight City Wells, and enhance capacities on six City Wells with existing treatment systems that would reliably reduce the DBCP level to zero would be approximately \$3.2 million. The increased annual Operation and Maintenance costs would be approximately \$480,000 per year. This would result in an assumed increased cost for each customer of approximately \$34 per year*. (Note: this increase cost may not be reimbursable under the terms of Lodi's settlement agreement with DBCP manufacturers.)

1,1,2,2- Tetrachloroethylene (PCE) : The PHG for PCE is 0.06 micrograms per liter (ug/L or parts per billion). The MCL or drinking water standard for PCE is 5 ug/L. We detected PCE at levels not exceeding the MCL in the discharges from two (2) of Lodi's 25 City Wells used in 2006. City Well No. 8 was not used in 2006, but could be used if treatment were installed and is included as a third City Well below in cost calculations. The averages of these City Wells in 2004 -06 were:

City Well No. 6R	-	1.08 ug/L
City Well No. 8	-	0.82 ug/L
City Well No. 12	-	0.26 ug/L

The category of health risk associated with PCE, and the reason that a drinking water standard was adopted for it, is the people who drink water containing PCE above the MCL throughout their lifetime could theoretically experience an increased risk of getting cancer. The California Department of Health Services says that "Drinking water which meets this standard (the MCL) is associated with little to none of this risk and should be considered safe with respect to PCE." (*CDHS Blue Book of drinking water law and regulations, Section 64468.2, Title 22, CCR.*) The Best Available Technology for PCE to lower the level below the MCL is either Granular Activated Carbon or Packed Tower Aeration. Since the PCE level in these three City Wells is already below the MCL, a Granular Activated Carbon Treatment System with larger vessels would likely be required to attempt to keep PCE levels below the PHG. The estimated cost to install such a treatment system on three City Wells that would reliably reduce the PCE level to the PHG of 0.6 ug/L would be approximately \$1,350,000 and require annual Operation and Maintenance at a cost of approximately \$164,000 per year. This would result in an assumed increased cost for each customer of approximately \$13 per year*.

Coliform Bacteria: In 2004-06, we collected 3,189 samples from our distribution system for coliform analysis. Of these samples, 0.75% were positive for coliform bacteria. In 2004-06 a maximum of 6.9% (January 2004) of these samples were positive for one month.

The MCL for coliform is 5% positive samples of all samples per month and the MCLG is zero. The reason for the coliform drinking water standard is to minimize the possibility of the water containing pathogens which are organisms that cause waterborne disease. Because coliform is only an indicator of the potential presence of pathogens, it is not possible to state a specific numerical health risk. While U.S. EPA normally sets MCLGs "at a level where no

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

known or anticipated adverse effects on persons would occur” they indicate that they cannot do so with coliforms.

Coliform bacteria are organisms that are found just about everywhere in nature and are not generally considered harmful. They are used as an indicator because of the ease in monitoring and analysis. If a positive sample is found, it indicates a potential problem that needs to be investigated and follow up sampling done. It is not at all unusual for a system to have an occasional positive sample. It is difficult, if not impossible, to assure that a system will never get a positive sample. A further test that is performed on all total coliform positive results is for Fecal Coliform or E. Coli. There were no positive Fecal Coliform or E. Coli results in 2004-06.

To reduce the number of positive results for coliform bacteria, the City of Lodi occasionally chlorinates the water system. The sources of water (City Wells) and all new or repaired water mains follow disinfection procedures and pass bacteriological testing before being allowed “on-line”.

Full time chlorination will not guarantee that a system will never get a positive sample. If the City were to go to full time chlorination of the drinking water system, the estimated cost to install chlorine generation systems on twenty-six City Wells would be approximately \$1,035,000 and annual Operation and Maintenance cost would be approximately \$65,000 per year. This would result in an assumed increased cost for each customer of approximately \$7 per year.*

Copper: The PHG for copper is 0.17 milligrams per liter (mg/L or parts per million). There is no MCL for Copper. Instead the 90th percentile value of all samples from household taps in the distribution system cannot exceed an Action Level of 1.3 mg/L.

The category of health risk for copper is gastrointestinal irritation.

All of Lodi’s source water samples for copper in 2004-06 were less than the PHG. Based on sampling of the distribution system in 2006, our 90th percentile value for copper was 0.32 mg/L.

Our water system is in full compliance with the Federal and State Lead and Copper Rule. Based on sampling, it was determined, based on State regulatory requirements, that Lodi meets the Action Level for copper. Therefore, based on criteria set forth by the California Department of Health Services we meet the criteria for “optimized corrosion control” for our system.

In general, optimizing corrosion control is considered to be the best available technology to deal with corrosion issues and with any copper findings. We continue to monitor our water quality parameters that relate to corrosivity, such as the pH, hardness, alkalinity, total

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

dissolved solids, and will take action if necessary to maintain our system in an “optimized corrosion control” condition.

Since we are meeting the “optimized corrosion control” requirements, there is no apparent reason to initiate additional corrosion control treatment as it involves the addition of other chemicals and there could be additional water quality issues raised. Therefore, no estimate of cost has been included.

Arsenic: The PHG for Arsenic is 0.004 micrograms per Liter (ug/L or parts per billion). The MCL, or drinking water standard for arsenic is 10 ug/L. There were arsenic levels detected at levels not exceeding the MCL in discharges from 25 of Lodi’s 26 wells used in 2004-06. The average of these wells in 2004-06 were:

City Well No. 1R	-	6.0 ug/L
City Well No. 2	-	3.1 ug/L
City Well No. 3R	-	5.4 ug/L
City Well No. 4R	-	3.9 ug/L
City Well No. 5	-	5.1 ug/L
City Well No. 6R	-	3.7 ug/L
City Well No. 7	-	5.0 ug/L
City Well No. 8	-	2.2 ug/L
City Well No. 9	-	2.7 ug/L
City Well No. 10	-	2.7 ug/L
City Well No. 11	-	5.2 ug/L
City Well No. 13	-	8.8 ug/L
City Well No. 14	-	4.1 ug/L
City Well No. 15	-	5.1 ug/L
City Well No. 16	-	3.4 ug/L
City Well No. 17	-	4.1 ug/L
City Well No. 18	-	2.7 ug/L
City Well No. 19	-	3.2 ug/L
City Well No. 20	-	3.5 ug/L
City Well No. 21	-	3.3 ug/L
City Well No. 22	-	2.4 ug/L
City Well No. 23	-	3.8 ug/L
City Well No. 24	-	6.6 ug/L
City Well No. 25	-	6.8 ug/L
City Well No. 26	-	9.7 ug/L

Arsenic is a naturally occurring element found in many types of rocks and soils. Leaching of these deposits are the primary source of arsenic found in this area. Some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

or circulatory system problems, and may have an increased risk of getting cancer. The PHG of 0.004 ug/L for arsenic is far below the Detection Limit Requirement (DLR) of 2 ug/L for arsenic. The DLR is the level that can be reliably determined by current laboratory methods.

The Best Available Treatment (BAT) for arsenic removal is dependant on the water chemistry of the source to be treated. While research into new methods of removing arsenic continues, the current recommendations include:

- Activated Alumina
- Coagulation / Filtration
- Lime Softening
- Reverse Osmosis

All of the above listed methods take space, are expensive, and have a concentrated residual, which requires safe disposal. An estimate of the best approach for arsenic removal in Lodi cannot be made at this time.

Radium-228: The PHG for radium-228 is 0.019 picocuries per liter (pCi/L). There is no MCL, or drinking water standard for radium-228. There were radium-228 levels detected in discharges from 17 of Lodi's 26 City Wells used in 2004-06. The average of these wells in 2004-06 were:

City Well No. 1R	-	0.211 pCi/l
City Well No. 2	-	0.012 pCi/l
City Well No. 3R	-	0.075 pCi/l
City Well No. 6R	-	0.231 pCi/l
City Well No. 8	-	0.176 pCi/l
City Well No. 10	-	0.319 pCi/l
City Well No. 12	-	0.041 pCi/l
City Well No. 14	-	0.211 pCi/l
City Well No. 15	-	0.172 pCi/l
City Well No. 16	-	0.115 pCi/l
City Well No. 17	-	0.456 pCi/l
City Well No. 19	-	0.326 pCi/l
City Well No. 21	-	0.240 pCi/l
City Well No. 22	-	0.373 pCi/l
City Well No. 24	-	0.413 pCi/l
City Well No. 25	-	0.142 pCi/l
City Well No. 26	-	0.041 pCi/l

The California Department of Health Services (CDHS), which sets drinking water standards, has determined that total radium is a health concern at certain levels of exposure. This radiological constituent is a naturally occurring contaminant in some groundwater and surface water supplies. This constituent has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Constituents

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time.

The Best Available Technology identified to treat the removal of the radiological constituents listed above is reverse osmosis (RO) treatment. The most effective and economical treatment system is to use RO treatment at select plant sites. The estimated cost to install such a treatment system on seventeen City Wells that would reliably reduce the Radium-228 level to the PHG of 0.019 pCi/L would be approximately \$20,000,000 and require annual Operation and Maintenance at a cost of approximately \$850,000 per year. This would result in an assumed increased cost for each customer of approximately \$125 per year*.

Uranium: The PHG for Uranium is 0.43 picocuries per liter (pCi/L). The MCL or drinking water standard for Uranium is 20 pCi/L. There were Uranium levels detected at levels not exceeding the MCL in discharges from 16 of Lodi's 26 City wells used in 2004-06. The average of these wells in 2004-06 were:

City Well No. 2	-	2.79 pCi/l
City Well No. 4R	-	0.310 pCi/l
City Well No. 6R	-	4.66 pCi/l
City Well No. 8	-	10.9 pCi/l
City Well No. 9	-	2.42 pCi/l
City Well No. 10C	-	0.942 pCi/l
City Well No. 12	-	15.8 pCi/l
City Well No. 13	-	2.34 pCi/l
City Well No. 14	-	2.48 pCi/l
City Well No. 16	-	2.10 pCi/l
City Well No. 17	-	5.34 pCi/l
City Well No. 18	-	8.24 pCi/l
City Well No. 19	-	1.09 pCi/l
City Well No. 20	-	1.22 pCi/l
City Well No. 22	-	4.07 pCi/l
City Well No. 23	-	8.14 pCi/l

The California Department of Health Services (CDHS), which sets drinking water standards, has determined that total Uranium is a health concern at certain levels of exposure. This radiological constituent is a naturally occurring contaminant in some groundwater and surface water supplies. This constituent has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Constituents that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time.

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

The Best Available Technologies (BATs) for removal of Uranium from drinking water are: Ion Exchange - Reverse Osmosis or Lime Softening. These methods are expensive and require disposal of a waste stream, which would contain concentrated radionucleotides. The estimated cost to install such a treatment system on fifteen City Wells that would reliably reduce the Uranium level to the PHG of 0.43 pCi/L would be approximately \$18,000,000 and require annual Operation and Maintenance at a cost of approximately \$750,000 per year. This would result in an assumed increased cost for each customer of approximately \$110 per year*.

Recommendations For Further Action:

The drinking water quality of the City of Lodi Public Water System meets all State of California, Department of Health Services and U.S. EPA drinking water standards set to protect public health. To further reduce the levels of the constituent's identified in this report that are already below the Maximum Contaminant Levels established by the State and Federal government, additional costly treatment processes would be required.

The effectiveness of the treatment processes to provide any significant reductions in constituent levels at these already low values is uncertain. The theoretical health protection benefits of these further hypothetical reductions are not at all clear and may not be quantifiable. Therefore, staff is not recommending further action at this time. However, the point of this process is to provide you with information on water quality in Lodi and rough costs to make certain improvements.

This report was completed by City of Lodi Public Works Department staff. Any questions relating to this report should be directed to: City of Lodi, Water/Wastewater Superintendent Frank Beeler, 1331 South Ham Lane, Lodi, CA 95242 or call (209) 333-6740.

*All annual customer costs were based on an assumed annualized cost of capital expenditures equal to 10% of capital costs plus annual and maintenance costs divided by 23,000 customers.

City of Lodi

Annual Water Quality Report for 2006

(published April 2007)

Keeping you, the Citizens of Lodi, informed about your drinking water.

**Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo ó hable con alguien que lo entienda bien. Para la ayuda en español,
llama por favor (209) 333-6740.**

This 18th Annual Water Quality Report summarizes testing on Lodi's water supply by State certified laboratories and provides information about the water system. This report follows the "Consumer Confidence Report" (CCR) format required by the U.S. Environmental Protection Agency and the State of California.

WHO ARE WE?

In 1910 your City of Lodi Water Utility officially began operation along with the Electric Utility, and for 96 years, the water system has been owned by the Citizens of Lodi. Ninety-six years ago there were only two wells and a few miles of water mains. In 2006 there were twenty-six wells, over 220 miles of mains, a water tower and a 1-million-gallon storage tank. Lodi delivers water to approximately 23,000 residential, commercial and industrial customers.

Water rates, system expansion projects, and significant purchases are authorized by the Lodi City Council, which serves as the water utility's official regulatory body. **Lodi City Council meetings are open to the public and are scheduled for the first and third Wednesdays of each month at 305 West Pine Street in Lodi at 7:00 p.m.** You may also communicate with the Council and City staff through the City's web site (www.lodi.gov).

YOUR DRINKING WATER SYSTEM

Twenty-six computer controlled wells, located throughout the City, provide high quality groundwater, and was our sole source of supply in 2006. The wells operate automatically on water pressure demand so that when water use increases, more wells are started. To keep up with peak water supply demands, a new well is planned for 2007. The costs of new wells are paid by development fees. However, the groundwater basin is being depleted. Lodi has contracted to use some surface water from the Mokelumne River. The City has begun studies to treat this water and use it directly, thereby reducing groundwater pumping. More information on water supply is on the City's web site.

Seven wells are fitted with emergency diesel-powered generators. (While these generators will help maintain water pressure during power outages, please refrain from using water during power outages to save capacity for essential uses, - hospitals, fire fighting, etc.)

The water delivered to your tap meets or is better than all federal and state water quality standards.

If you have any questions about this report or Lodi's water quality, please contact:

**Water/Wastewater Superintendent
Frank Beeler
1331 S. Ham Lane, Lodi, CA 95242
Telephone: (209) 333-6740
E-mail: fbeeler@lodi.gov**

WATER QUALITY

Lodi is fortunate in having a high quality groundwater supply. However, that supply is at risk and must be carefully managed. The following section describes some of these measures.

- **PCE/TCE** - The City, working with regulatory agencies and potentially responsible parties in a cooperative manner, is pursuing a resolution to a groundwater contamination problem in the north and central Lodi area. While no operating wells are out of compliance with any drinking water standards, the contamination is a serious threat. PCE (Tetrachloroethylene) and TCE (Trichloroethylene) have been detected in samples taken in soils and groundwater. Cleanup work in portions of the area has commenced and the City expects additional areas to commence cleanup work in 2007/08. The City's share of these costs has largely been determined and a series of rate adjustments has been adopted. More information on this can be found on the City's website.

- **Bacteriological Quality, Chlorination** - Lodi takes over 20 samples per week from throughout Lodi's water distribution system for bacterial water quality. Regulations allow for 5% of all total coliform samples in a month to be positive. In 2006 all bacteriological standards were met.

The water may be periodically chlorinated as a proactive step to help keep the water system in compliance with strict bacteriological standards; however, Lodi's water does not normally contain chlorine. The City will make an effort to inform you in local newspapers before your water is chlorinated. When necessary however, the water may be chlorinated before you can be informed.

- **MTBE** - MTBE (Methyl-Tert-Butyl-Ether) is a controversial additive to gasoline that has been in the news the past few years. One of the main concerns with MTBE is the threat of leaking from service stations into the groundwater. Monitoring of City wells has NOT found any detected traces of MTBE to date. The City has a program of monitoring all City wells for MTBE. Wells that are at greater risk (i.e., closer to gasoline stations) are monitored more frequently.

- **DBCP** - Dibromochloropropane (DBCP) was used by area farmers to kill nematodes in vineyards. DBCP was banned in California in 1977, but is still present in trace levels in some groundwater. The City of Lodi used 25 (of 26) wells to provide drinking water in 2006. The wells are rotated so over the course of time, water being delivered is a blend from these wells. Thirteen of Lodi's wells had no detectable DBCP. Six wells have filters to remove DBCP. The remaining six meet State and Federal standards, but have trace amounts of DBCP. The result is that the people of Lodi are being served water below the DBCP level deemed safe by the U.S. EPA and the State of California.

In 1996 the City settled a lawsuit against DBCP manufacturers, who have already paid the City for a large portion of Lodi's costs related to DBCP treatment. These manufacturers will continue to pay a large portion of the City's DBCP related costs for the settlement's 40-year term.

- **Drinking Water Source Assessment** - An assessment of the drinking water sources for the City of Lodi's water system was completed in February 2003. The sources are considered most vulnerable to the following activities: gas stations (current and historic), chemical/petroleum processing/storage, metal plating/ finishing/fabricating, plastic/synthetics producers, dry cleaners, known contaminant plumes, sewer collection systems, fleet/truck/bus terminals, machine shops, utility stations-maintenance areas, agricultural drainage, and photo processing/printing.

A copy of the completed assessment is available at the Public Works Department, City of Lodi, 1331 South Ham Lane, Lodi, CA 95242. You may request that a copy be sent to you by contacting Frank Beeler at (209) 333-6740. A copy of the complete assessment is also available at the Department of Health Services, Drinking Water Field Operations Branch, Stockton District Office, 31 E Channel Street, Room 270, Stockton, California 95202. You may also request that a copy be sent to you by contacting Joseph O. Spano, District Engineer, at (209) 948-7696

IF YOU HAVE A WATER PROBLEM

-Many times, water quality problems in the home can be traced to the hot water heater, the plastic water lines under the sink to faucets, or because sewer gases from the drain are being smelled.

-Set the hot water heater at the proper temperature, too hot can create heavier scaling problems, and not warm enough can allow bacteria to grow.

-Other times there can be occasional water quality problems associated with the aesthetic quality of your water such as sand, which may be originating from water supply mains.

-“Hard” water can be considered a quality issue depending on the actual hardness level and the use. Some industrial processes require very soft water. Lodi’s groundwater is at the low end of the “moderately hard” water range and you may see white scale or spots on plumbing fixtures.

-If you have a filter or in-home treatment system; be sure it’s working properly and change filters regularly. (Note, if you use a water softener, we suggest you utilize one which is regenerated by the softener company. Self-regenerating units add salt to the wastewater, which can add significantly to the City’s wastewater treatment costs.)

-Low pressure can lead to water quality problems and can be caused by plugged screens in faucets or washing machine hoses, broken valves or for other reasons. If you have intermittent problems, first check pressure in other parts of your house or at an outside faucet. If that pressure is okay, check the fixture/screens at the problem area. If the problem is throughout the whole house, call the City for assistance.

If you ever experience trouble with your water, and you do not think it is a problem with your on-site plumbing, please call the Water/Wastewater Division at 368-5735 or 333-6740.

WATER CONSERVATION

In 2006, 5.313 billion gallons of groundwater were pumped to meet Lodi’s water demands. This is 26% less water use per person than in 1986. As population in Lodi and California increases, water conservation becomes an important part of meeting demands for fresh water.

The commitment of the citizens of Lodi to conserving water also helps conserve the electrical energy needed to pump the water to homes and businesses. To further conserve water, electrical energy, and wastewater treatment plant capacity, the City has instituted a rebate program for water saving devices such as low-flow toilets. See details below.

Your diligent water conservation practices, as in the past, are needed in 2007. A report calculated dollar savings from water conservation to be far above the cost of the Water Conservation Program! Your water conservation efforts have also averted millions of dollars in capital costs, helping rates stay as low as possible. The millions of dollars in capital cost savings can easily be lost if water conservation is not continued.

See the summary of the Lodi Water Conservation Ordinance at:
<http://www.lodi.gov/public%5Fworks/water%5Fconservation.html> For information or to report a water waste, call the Water Conservation office at 333-6829.

\$ Water Conservation Rebate Program \$

The City of Lodi is offering rebates on the purchase and installation of water conserving devices at residential and commercial water customer premises within the City of Lodi.

Rebates of up to \$44 are given for Ultra Low-Flow Toilets rated at 1.6 gallons per flush or less and must be replacing units using a higher volume of water per flush. Rebates of up to \$100 are available for pressure assist PF/2 Ultra Low-Flow 1.6 gallon toilets. Additional rebates of 50% are available on Low-Flow Shower Heads, Insulated Hot Water Blankets, and Hose Bib Manual Timers for outside water hoses.

The program is funded by the Water, Wastewater and Electric Utilities. **The rebates, given in the store at the time of purchase, are only available at the following Lodi stores:**

**Ace Hardware • 827 West Kettleman Lane
Orchard Super Hardware • 360 South Cherokee Lane
Ferguson Enterprises, Inc • 1435 Academy Street**

Call (209) 333-6740 for more details.

THE FOLLOWING MESSAGES ARE REQUIRED BY THE U.S. EPA AND THE STATE OF CALIFORNIA. NOT ALL PORTIONS OF THESE MESSAGES NECESSARILY APPLY TO LODI'S GROUNDWATER .

- Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the USEPA's Safe Drinking Water Hotline at (1-800-426-4791).
- Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. USEPA/Centers for Disease Control (CDC) guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (1-800-426-4791).
- The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.
- Contaminants that may be present in source water include:
 - Microbial contaminants, such as viruses and bacteria, that may come from sewage treatment plant, septic systems, agricultural livestock operations, and wildlife.
 - Inorganic contaminants, such as salts and metals, that can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
 - Pesticides and herbicides, that may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
 - Organic chemical contaminants, including synthetic and volatile organic chemicals, that are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, agricultural application, and septic systems.
 - Radioactive contaminants, that can be naturally occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, US Environmental Protection Agency (USEPA) and the State California Department of Health Services (Department) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. Department regulations also establish limits for contaminants in bottled water that must provide the same protection for public health.

RADON is a naturally occurring radioactive gas that you can't see, taste, or smell. It is found throughout the U.S. Radon can move up through the ground and into a home through cracks and holes in the foundation. Radon can build up to high levels in all types of homes. Radon can also get into indoor air when released from tap water from showering, washing dishes, and other household activities. Compared to radon entering the home through soil, radon entering the home through tap water will in most cases be a small source of radon in indoor air. Radon is a known human carcinogen. Breathing air-containing radon can lead to lung cancer. Drinking water containing radon may also cause increased risk of stomach cancer. If you are concerned about radon in your home, test the air in your home. Testing is inexpensive and easy. Fix your home if the level of radon in your air is 4 picocuries per liter of air (pCi/L) or higher. There are simple ways to fix a radon problem that aren't too costly. For additional information, call your State radon program or call EPA's Radon Hotline (1-800-SOS-RADON).

ARSENIC: *After a long debate, the drinking water standard for Arsenic was lowered from 50 ppb (parts per billion) to 10 ppb. The following message is required for systems that have some sources containing Arsenic below the new standard of 10 ppb, but over half (5 ppb). The average in Lodi's wells is 4.4 ppb and the highest well is 9.7 ppb.*

While your drinking water meets the current EPA standard for arsenic, it does contain low levels of arsenic. The standard balances the current understanding of arsenic's possible health effects against the costs of removing arsenic from drinking water. The California Department of Health Services continues to research the health

effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

NITRATE: *The following message is required for systems that have some sources containing Nitrate below the standard of 45 ppm (as NO₃), but over half (23 ppm) of the standard. The average of Lodi's wells is 9.2 ppm and the highest well is 36 ppm.*

Nitrate in drinking water at levels above 45 mg/L is a health risk for infants of less than six months of age. Such nitrate levels in drinking water can interfere with the capacity of the infant's blood to carry oxygen, resulting in a serious illness; symptoms include shortness of breath and blueness of the skin. Nitrate levels above 45 mg/L may also affect the ability of the blood to carry oxygen in other individuals, such as pregnant women and those with certain specific enzyme deficiencies. If you are caring for an infant, or you are pregnant, you should ask advice from your health care provider.

To better understand the report, please note the description of terms and abbreviations

Terms and Abbreviations Used:

Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. Primary MCLs are set as close to the PHGs (or MCLGs) as is economically and technologically feasible. Secondary MCL's are set to protect the odor, taste, and appearance of drinking water.

Public Health Goal (PHG): The level of a contaminant in drinking water below which there is no known or expected risk to health. PHGs are set by the California Environmental Protection Agency.

Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs are set by the U.S. Environmental Protection Agency.

Regulatory Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements that a water system must follow.

Notification Level (NL): Health-based advisory levels established by DHS for chemicals in drinking water that lack maximum contaminant levels (MCLs).

Primary Drinking Water Standard or PDWS: MCLs for contaminants that affect health along with their monitoring and reporting requirements, and water treatment requirements.

Maximum residual disinfectant level (MRDL): The level of a disinfectant added for water treatment that may not be exceeded at the consumer's tap.

Maximum residual disinfectant level goal (MRDLG): The level of a disinfectant added for water treatment below which there is no known or expected risk to health. MRDLs are set the U.S. Environmental Protection Agency.

mg/L or ppm: Milligrams per liter, or parts per million (one ppm equals a concentration of about one cup in a 60,000 gallon swimming pool).

ug/L or ppb: Micrograms per liter, or parts per billion (one ppb equals about 4.5 drops in a 60,000 gallon swimming pool).

ppt: Parts per trillion (one ppt equals less than 1/200 of a drop in a 60,000 gallon swimming pool).

pCi/L: Picocuries per liter (a measurement of radiation).

NA: Not Applicable.

ND: Not Detected at measurable amounts for reporting purposes.

Grains/gal: Grains per gallon. A hardness measurement often used for softeners and dishwashers. (17.1 mg/L = 1 grain/gal as calcium carbonate).

umhos/cm: Micromhos per centimeter (a measurement of conductance).

< Means less than the amount shown.

> Means more than the amount shown.

City of Lodi Annual Water Quality Report for 2006

(published April 2007)

Regulated Inorganic Chemicals *2004-2006 Data	MCL	Average of Lodi Wells	Range of Individual Detections	PHG or (MCLG)	Major sources in Drinking water
Arsenic, ug/L	10	4.4	9.7-ND	0.004	Erosion of natural deposits (see message below)

Barium, mg/L	1	<0.1	0.25-ND	2	Erosion of natural deposits
Fluoride, mg/L	2.0	0.05	0.37-ND	1	Erosion of natural deposits
Nitrate as NO ₃ , mg/L	45	9.2	36-ND	45	Leaching from fertilizer use; leaching from septic tanks and sewage; erosion of natural deposits (see below)

Bacterial Water Quality Coliform Bacteria 2006 Data	MCL	Total Positive	Monthly High-Low Range	PHG or (MCLG)	Major sources in Drinking water
Total Coliform, Positive	5%/month	0.29 %	2.3 % - 0 %	(0)	Naturally present in the environment
Fecal Coliform & E. coli	>1/month	0	0 - 0	(0)	Human and animal fecal waste

Radioactivity, pico Curies per Liter, 2005 Data	MCL	Average of Lodi Wells	Range of Individual Detections	PHG or (MCLG)	Major Sources in Drinking water
Gross Alpha, pCi/L	15	2.86	15.9-0.16	(0)	Erosion of natural deposits
Radium 228	2	0.12	0.456-0	(0)	Erosion of natural deposits
Uranium, pCi/L	20	2.66	15.8-0	0.43	Erosion of natural deposits

Organic Chemicals with at least one confirmed detection in an operational City Well						
Regulated Organic Chemicals 2006 Data	MCL	Average of Lodi Wells	Range of Individual Detections	PHG or (MCLG)	Major sources in Drinking water	Comments:
Tetrachloroethylene (PCE), ppb	5	0.06	2.0** - ND	0.06	Discharge from factories, dry cleaners, and auto shops (metal degreaser)	Found in Wells #6R, 8 & 12 at levels below the MCL.
1,1-Dichloroethylene (1,1-DCE), ppb	6	0.01	0.8** - ND	10	Discharge from industrial chemical factories. Local contamination from businesses using the chemical.	Only in Well # 2 at levels below the MCL
Trichloroethylene (TCE), ppb	5	0.08	2.1** - ND	0.8	Discharge from metal degreasing sites and other factories. Local ground contamination from businesses using the chemical. Breakdown product of Tetrachloroethylene (PCE).	Only from Wells # 2 & 18 at levels below the MCL.
Dibromochloropropane (DBCP), ppt	200	36	320** - ND	1.7	Banned nematocide that may still be present in soils due to runoff/leaching from former use on vineyards.	See the update in the Water Quality section of this report

Secondary Standards Aesthetic Purposes (see note) *2004-2006 Data	Secondary MCL	Average of Lodi Wells	Range of Individual Detections	Secondary Standards Aesthetic Purposes (see note) *2004-2006 Data	Secondary MCL	Average of Lodi Wells	Range of Individual Detections
Chloride, mg/L	500	15	50-3.3	Sulfate, mg/L	500	14	36-ND
Color-Units	15	ND	ND	Total Dissolved Solids, mg/L	1000	248	490-120
Specific Conductance, MS/cm	1600	345	810-120	Turbidity, NTU Units	5	0.11	0.62-0.02

Note: Aesthetic problems are only associated with taste, smell, and other problems which are not a health risk.

Lead & Copper Rule Customer Tap Monitoring 2006 Data	AL (Action Level)	Average 90th Percentile	Range of Individual Detections	# Samples Exceeding AL (of 46 samples from 46 sites)	PHG or (MCLG)	Major sources in Drinking Water
Lead, 90th %, ug/L	15	<5.0	16-ND	1	2	Internal erosion of household plumbing systems; erosion of natural deposits
Copper, 90th %, mg/L	1.3	0.32	0.60-0.027	0	0.17	

Unregulated Contaminants Detected 2006 Data	Notification Level (NL)	Average of Lodi Wells	Range of Individual Detections
Trichloropropane, ug/L	0.005	0.003	0.089 - ND

Other non-regulated water constituents found in your water (for your information only)						
Non-regulated water constituents, *2004-06 Data	Average of Lodi Wells	Range of Detections	Non-regulated water constituents, *2004-06 Data	Average of Lodi Wells	Range of Detections	
Total Hardness, mg/L as CaCO ₃	133	340-40	Potassium, mg/L	6.9	13-2.3	
Total Hardness, grains/gal.	7.8	19.9-2.3	Alkalinity (bicarbonate), mg/L	168	340-63	
Calcium, mg/L	29	78-8.2	pH, in pH units	7.4	7.8-6.9	
Sodium, mg/L	22	56-1.3	Magnesium, mg/L	14	35-4.9	

* Regulations call for monitoring of some constituents less than once per year because the concentrations of these constituents do not change frequently. Therefore, some of our data, though representative, are more than one year old.

** Averages are used for compliance determination due to the variable nature of individual analyses, and due the fact that any associated theoretical risks are not acute, but theoretically only after years of exposure to levels above MCLs.

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Conduct a Public Hearing to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.

MEETING DATE: August 1, 2007

PREPARED BY: David Morimoto, Senior Planner

RECOMMENDED ACTION: Conduct a Public Hearing to consider the Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan.

BACKGROUND INFORMATION: Every year, as part of the City's Growth Management program, the Planning Commission reviews the requests that have been submitted to the City. Following a public hearing, the Commission makes a recommendation for City Council consideration. This public hearing is being held for the Council to award some of the 2006 allocations.

On June 27th the Planning Commission held a public hearing regarding the 2006 Residential Growth Management Development Plan review and Allocations. At this hearing the Planning Commission reviewed two Development Plans totaling 26 dwelling units. Of the requested 26 dwelling units, both were medium density projects (7.1 to 20 units per acre). The 2 projects seeking residential growth management allocations are as follows:

- GM-06-02 Brett and Kathy Haring, located at 1911 South Church Street, on the west side of S. Church Street, one block north of Century Boulevard, 7 Medium Density Allocations; and
- GM-06-03 Taj Khan, 865 East Olive Avenue (County address), on the east side of Lower Sacramento Road, one block south of Kettleman Lane, 19 Medium Density Allocations.

The Planning Commission originally received seven separate residential growth management applications for 2006 totaling 981 units. For 2006, 450 units were calculated to be available for allocation. This does not include several thousand unallocated units that have been "banked" from previous years. Five of those applications were outside of the City limits and would have required annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently annexed to the City as part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits. These four applications, totaling 909 units, have agreed to postpone further processing of their application until the City completes the update of the General Plan, which is currently underway. In addition to the Khan and Haring applications, there is an additional application from F&M Bank that is

APPROVED: _____
Blair King, City Manager

within the City limits. This application is in the process of preparing an environmental study and will be reviewed by the Planning Commission later this year.

Finally, there are two projects that were granted allocations for 2006 by the City Council through the use of Development Agreements. The Reynolds Ranch project and the Southwest Gateway project were granted allocations over a period of years based on a development plan and a specific development schedule. A third project, the Westside development was also granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007. Because of allocations that have been “banked” from past years, there are a sufficient number of allocations to provide for all of the projects.

The Haring project application was originally submitted as a 6-unit residential project but was later resubmitted as a 7-unit residential project. The units are two story town house condominiums clustered in two buildings and are located on a one-third acre vacant parcel. The project parcel is surrounded by other properties that are fully developed with similar residential uses and the site is classified as an in-fill project. Through-out this evaluation process staff and Ms. Haring have been in communication as this project has evolved over time. Attached is a memo which answers concerns raised by Ms. Haring at the July 18, 2007 City Council Meeting.

The Khan project is designed as a 19-unit residential development, with individual houses on small individual lots. The lots will average about 2,200 square feet in size. The lots will be located on private streets that will connect to Lower Sacramento Road by way of a private street that will be shared jointly with a number of adjoining properties. The parcel is located in a small rural residential development that was developed many years ago when this area was more than a mile outside of the City. Since then, the City has grown around the project area and includes an adjacent shopping center.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Randy Hatch
Community Development Director

Attachments:

1. Memo dated 7/25/07 to Blair King, City Manager
2. Memo dated 5/21/07 to Steve Schwabauer, City Attorney
3. Planning Commission Staff Report for Brett & Kathleen Haring
4. Planning Commission Staff Report for Taj Khan
5. Planning Commission Approved Resolutions

RH/dm/kjc



MEMORANDUM, City of Lodi, Community Development Department

To: Blair King, City Manager
From: Community Development Department
Date: 7-25-2007
Subject: Haring Growth Management Application

At a recent City Council meeting, the applicant for the Haring Growth Management Application addressed the City Council regarding their proposed residential project. One of the issues they raised was why it was necessary to go through the Growth Management (GM) process when the total number of allocations being requested for 2006 is less than the number of allocations available for that year.

First the process is required by Lodi Municipal Code (LMC) 15.34.070 and its implementing resolution, Resolution 91-171. LMC 15.34.070 provides that: "Prior to the submission of tentative map, parcel map or other approval under the Subdivision Map Act¹...an application for growth management review shall be made to the Planning Commission...and shall include a Development Plan." The ordinance makes no exception to its "growth management review" process for years in which applications do not exceed available permits. Resolution 91-171 establishes the process for the "growth management review" required by LMC 15.34.070. Its language mirrors LMC 15.34.070 regarding the projects needing review, namely those that must be processed under the Subdivision Map Act.

Consistent with this Council legislative mandate, staff has consistently required all projects to go through the Growth Management Review process, since the Growth Management Ordinance was adopted in 1991. There have been other years in the past when the number of units requested has been less than the number of units available for allocation. We do not have complete details for all the prior years, but in 7 of the prior years that detailed records are available, requested allocations have been less than those available. Further, it was not unusual that requests for allocations involved small projects such as the Haring's. 5 of the projects going through the prior years allocations as referenced above, had a unit count of 6. There were also projects involving 3, 7, 8, 9, and 12 units. The City, under the direction of the City Council, has elected to conduct the Growth Management process regardless of the number of units requested. By conducting the GM process, the Planning Commission and City Council has the opportunity to review each project to determine if it meets the intent and requirements of the Growth Management Plan. It is possible that there could be a situation where the

¹ Because the Haring Project includes 7 ownership units, it is required to be processed under the Subdivision Map Act.

Planning Commission or City Council could determine that they did not want to grant allocations to a project even if sufficient allocations were available. The Growth Management process is also the only opportunity the City Council may have to review certain projects that do not require a rezoning, annexation or other City Council approvals.

In the case of this year's Growth Management process, the number of units requesting allocations changed dramatically from the time the process began. When the allocation request submittal period ended, there were seven applications with a total of 981 units requesting allocations. It was only after the process was well underway that four of the applications choose to delay their projects until the General Plan update is completed. This eliminated 90% of the allocation requests, however the GM process was already underway and the City, based on past practice, decided to continue the process. If the City Council/Planning Commission determines that in the future years they want to forego the Growth Management Allocation process when there are fewer requests for units than there are available allocations, The Resolution and our procedures can be changed accordingly.

Finally, attached is a memo we prepared for the City Attorney that briefly outlines the time line for the Haring project.



MEMORANDUM, City of Lodi, Community Development Department

To: Steve Schwabauer, City Attorney
From: David Morimoto
Date: 5/21/07
Subject: Haring GM application

Outline of Haring application.

- 5-5-06 Application packet received from Dillon and Murphy Engineers for six residential units clustered in three duplexes in a U-shaped pattern.
- 8-21-06 Application deemed complete by CDD after receipt of requested material.
- 9-5-06 Plans sent out for review and comments by City Departments.
- 9-29-06 Comments due back from Departments.
- 10-5-06 Letter sent to Dillon and Murphy explaining process.
- 12-4-06 Letter sent to Dillon and Murphy explaining two tier GM process authorized by City Council and included comments received from various City departments.
- 3-20-07 Dillon and Murphy submit parcel information to confirm size of parcel.
- 4-25-07 New site plan submitted by Dillon and Murphy with seven residential units clustered in two buildings.
- 4-30-07 New site plan sent out for review by City Departments.
- 5-21-07 Comments due back from Departments.
- 6-27-07 Date for Planning Commission review of Haring GM project and possible building allocations.

There was a period early in the process when things were delayed because the City Council and City staff determined that there were inconsistencies in the processing dates. The City Council determined that the GM Ordinance should be amended to clarify the process prior to the next GM application year.

MEETING DATE:	June 27, 2007
APPLICATION NOS:	Growth Management Allocations 06-GM-02
REQUEST:	The request of Dillon and Murphy Engineers on behalf of Brett and Kathleen Haring for Growth Management Allocations, to permit and construct 7 dwelling units at 1911 South Church Street. (Applicant: Dillon and Murphy Engineers. File Number 06-GM-02).
LOCATION:	1911 South Church Street, Lodi. APN 031-040-42
APPLICANT:	Dillon and Murphy, Engineers 1820 W. Kettleman Lane, Suite E Lodi, CA 95242
PROPERTY OWNER:	Brett and Kathleen Haring 1033 E. Mokelumne Street Woodbridge, CA 95258

Staff recommends that the Planning Commission approve the request of Dillon and Murphy Engineers on behalf of Brett and Kathleen Haring, recommending that the City Council award 7 medium density growth management allocation units (GM-06-02) subject to the conditions in the attached resolution.

The proposed project would permit the construction of 7 residential condominium units on 0.35 acres on the west side of South Church Street, one block north of Century Boulevard, at 1911 South Church Street. Prior to constructing the project, the applicant must secure building allocations as part of the City's Growth Management process. The property is currently a vacant lot. Previously there was an older single-family residence on the property.

General Plan Designation	MDR, Medium Density Residential
Zoning Designation	R-MD, Residential, Medium Density
Project Size	0.35 acres

North: R-MD, Residential-Medium Density and PD, Planned Development. The area to the north of the project has a mixture of older single-family residences, duplexes and apartment buildings in a range of sizes.

South: PD, Planned Development. South of the project site are a mixture of duplexes and apartment units. South of Century Blvd. are single-family residences.

West: R-MD, Residential-Medium Density. West of the project site are apartments and the Twin Arbors health club.

East: R-MD, Residential-Medium Density and PD. East of the project site are a mixture of single-family residences, duplexes and apartments. There is also a small neighborhood park located on a dead-end section of Century Blvd., east of Church Street.

The project site consists of a single 0.35 acre parcel on the west side of S. Church Street, one block north of Century Boulevard. The project site was previously developed with a single-family home. The house has been removed and the property is currently vacant. The area surrounding the project site is fully developed with a variety of single and multi-family residences. Some of the older residences are probably more than 60 years old. Most of the multiple-family developments were constructed in the last 30 years.

BACKGROUND

The Planning Department originally received seven separate residential growth management applications for 2006. Five of the applications were outside of the City limits and will require annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently been annexed into the City as a part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits and the City and the applicants have agreed to postpone further processing of these applications until the City General Plan is updated. The update of the General Plan is underway and should be completed in the next year to eighteen months. The update of the General Plan will make the processing of these other applications easier by identifying the future land uses anticipated for these areas by the General Plan and laying out an infrastructure and circulation design in these outlying areas. The three growth management applications currently being processed are shown below in Table A. In past years, the Community Development Department has processed all the applications for Residential Growth allocations simultaneously and presented all the requests in one staff report to the Planning Commission and City Council. Due to the varying requirements for environmental review and annexations for the three projects, two of the projects (Haring and Khan) are being processed first. The third project (F&M) will be reviewed following completion of an environmental document.

Additionally, two projects were granted allocations for 2006 by the City Council through the use of Development Agreements that grant allocations over a period of years based on a development plan and a specific development schedule. The two projects are Reynolds Ranch and Southwest Gateway. A third project, the Westside development, was granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007.

The Haring project application was originally submitted as a 6-unit residential project, with 3 duplex buildings arranged in a U-shape. The buildings all faced onto a central driveway that opened out to Church Street. The units were two-story townhouses with attached two car garages. Earlier this year the applicant submitted a new application and a new conceptual site plan that added a 7th unit. The site plan was significantly revised from the original site plan and is reflected in the site plan that is currently under consideration.

Table A: 2006 Growth Management Applications Received

	Project Name	Location	Priority	Residential Units ^a			
				Single-Family	Medium-Density	High-Density	Total
1	Haring Project	1911 South Church Street	1	0	7	0	7
2	Taj Khan Project	865 East Olive Street	1	0	19	0	19
3	F&M Bank Project*	S.W. corner of W. Turner Road and S. Lower Sacramento	1	0	47	0	47
4	Reynolds Ranch **	South of Harney Lane, between Highway 99 and Union Pacific RR	3	150	0	200	350
5	Southwest Gateway**	West of Lower Sacramento Road between WID Canal	3	300	0	300	600
6	Westside Development*** (allocations begin in 2007)	West of Lower Sacramento Road, north and south of Lodi Ave.	3	0	0	0	0
Total				450	73	500	1023

^a F&M Project will receive allocations following completion of environmental review.

** Allocations granted from prior years unused reserve allocations and development schedule approved as part of Development Agreements.

*** Allocations for the Westside project will begin in 2007.

ANALYSIS

Growth Management Allocations

The Growth Management Allocation Ordinance was adopted by the City Council on September 18, 1991 to regulate the growth, location, amount and timing of residential development in the City. The Growth Management system limits the number of residential units to two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 450 units available for 2006:

- 1) Calculate two percent of the City's current population: $62,817 \times 2\% = 1,256$.
- 2) Divide 1,256 by the average number of persons per household $1,256 / 2.789 = 450$
- 3) Divide the 450 units into the 3 housing types:
 - 65% low density = 293 units
 - 10% medium density = 45 units
 - 25% high density = 112 units

Applications for 2006 Growth Management Allocations

As indicated above in the background discussion, there are three projects being reviewed for growth management allocations for 2006. There are also two projects that received 2006 allocations through Development Agreements. Though the City has

historically held one hearing for all of the allocation applications submitted for the calendar year, for purposes of timing, Staff is presenting the Haring project and the Khan project in one hearing. The F&M project will be held later in the year once the environmental work is completed.

The two applicants have submitted applications for a total of 26 medium density growth management allocation units. There are 45 medium density allocation units allocated for 2006; however, the City also has medium density growth management units that were not issued in prior years as shown in Table B below, which leaves a “bank of units” from previous years. The 45 medium density allocations available for 2006 will be sufficient to provide for the two projects. The Commission may note that though the Khan project proposes to build single-family homes, the application requests medium density growth management units because the project density falls in the medium density category. Table B shows a history of growth management allocation units.

Table B: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2005	Granted from 1989-2005	Remaining from 1989-2005	2% Allocations for 2006	Total Available for 2006
Low (0.1-7)	4,608	2,893	1,715	291	2,006
Medium (7.1-20)	709	301	408	45	388
High (20.1-30)	1,772	0 ^a	1,772	112	1,884
TOTAL	7,089	3,194	3,895	448	4,278

^a There have been high density allocations granted over the past 15 years; however they have expired or withdrawn prior to issuance of building permits.

Table C: 2006 Growth Management Allocation Summary

Density	Total Allocations Available for 2006 from Prior Years	Allocations Requested for 2006	Total Allocations Remaining
Low	2,006	450	1,556
Medium	388	73	315
High	1,884	500	1,384
TOTAL	4,278	1023	3,255

Priority Location Map and Point System

The Growth Management Ordinance includes a priority location map and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location map designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police, fire and parks). The Haring project site is classified as an in-fill project and is not included in the Priority Area map however for scoring purposes in-fill projects are considered Priority Area 1 projects. The point system was established to rate projects based on various project merits in order to determine if

one project should be approved before another, particularly if there are more allocation requests than there are available allocations. Staff evaluated the proposed plan against the point system and determined that the Haring project scored 300 points out of 330+ points possible.

Growth Management Allocation Recommendation

The Haring project site is located in In-fill location. The Haring project is in an area that is fully developed with residential uses except for the subject property and the surrounding uses are consistent with the type of development proposed by the applicant. For these reasons, staff recommends approval of the request for 7 medium density growth management allocation units for the Haring project subject to the conditions outlined in the attached resolution. The applicant must also demonstrate that seven units can fit on the property and meet all City design and building code requirements. It should be noted that securing the 7 growth management allocations does not guarantee that this number of units can be built. The applicant must still demonstrate that they can design a 7-unit project that can meet all City zoning and design requirements. For this reason, a condition of the allocation approval will be that the applicant submits a detailed development plan showing exact dimensions and building details. The plan must show that the proposed number of units can be constructed on the property and can meet all City development requirements. If there are issues of nonconformity, the applicant must submit for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.

No Zone Change Required

The Haring request of 7-units will not require any zoning change. The property is zone R-MD, residential medium density. The project is consistent with the existing General Plan designation of MDR (Medium Density Residential) and the proposed density of 20-units per acre is within the MDR density range of 7.1-20 dwelling units per acre.

Discussion of Proposed Development Plan

Prior to the approval of the project, a development plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the approved development plan. The applicant has submitted a conceptual development plan depicting the proposed layout and design for the 7 unit project. The Planning Commission can approve GM allocations based on this plan if they feel the proposal is generally acceptable. However, prior to final approval of an actual construction permit, the applicant must submit a final development plan that details all the required components of the project with exact dimensions, architectural details and landscape plans. This plan must meet all requirements of the zoning ordinance, including setbacks, parking area dimensions, lot coverage, etc. If the plan can not comply with specific zoning requirements, the applicant may need to apply for an Administrative Deviation or Variance depending on the exceptions required.

The development plan shows 7 townhouse units arranged in two buildings, three-units in the front building and 4-units in the rear building. Each unit will have 1,520 square feet of living space on two floors with an attached 400 square foot two-car garage. Access to the property will be from a driveway from Church Street connected to a central driveway providing access to the individual garages. The driveway is a dead-end access so vehicles will have to turn around to exit the property.

The 7-units will all have similar floor plans and exterior elevations. Units 1, 2 and 3 will be identical, with a first floor living area and with 2nd floor bedrooms. The units will have their front entry on Church Street with the garages accessed from the rear of the units. Units 4, 5, 6 and 7 will be in the rear building and will front on the project's interior driveway. These units will differ somewhat from the front units. The rear units will have a reversed floor plan with the living area on the 2nd floor and the bedrooms on the first floor. Residents will enter the units from a front stairway leading up to the 2nd floor. The second floor living area will have a balcony extending over the garage. Garages for the rear building will be on the front elevations of the units, facing the interior driveway.

The front building, Units 1, 2 and 3, will have stucco siding on the rear and side elevations. The front or street elevation will have either horizontal lap siding or stone veneer on the front elevations of the ground floor and horizontal lap siding on the front elevations of the second floor. The front elevation will have a small covered porch over each front entry way.

The rear building, Units 4, 5, 6 and 7, will be primarily stucco on all four sides. The front elevation will have some horizontal lap siding treatment along the roof line and some wood and stone veneer treatment on the balconies and as accent treatment. These units will have their garage openings on their front elevations.

The site plan as submitted does have some site design issues that do not fully comply with City design standards. The proposed site plan is designed with the front building having a front yard setback of 16 feet instead of the 20 foot set back required by the Zoning Ordinance. It does not appear that the building can be setback to 20 feet without reducing the dimensions of one or both of the buildings or redesigning the layout. An administrative deviation or variance may be required.

The second issue is the width of the driveway serving the project. The width of the driveway is 25 feet, which meets the minimum dimension. The problem is that the driveway serves all of the garages in the complex and is a dead-end driveway. The width of the driveway will make backing out of Units 3 and 7, the end units, very difficult. The narrow width of the driveway is compounded by the exterior stairways that jut out from the front of Units 4, 5, 6 and 7; and the refuse enclosures that are located at the south end of the driveway. There is no maneuvering room for vehicles backing out of the end garages. Unit 1 also may have a problem with access to their garage. In order to get into the garage for Unit 1, a vehicle will have to make a complete U-turn from the driveway leading from Church Street. This might only be possible with a relatively small vehicle because of the tight turning radius. Because there are not any spare parking spaces on the project site, if the residents do not find using their garages convenient or easy to use, they will end up having to park on the street. Additionally, because the driveways are immediately adjacent to the buildings, particularly Unit 1, there is no physical separation protecting the building from the vehicles driving by or backing out of the garages. This could lead to possible damage to the structure of the building.

Finally, because the site is compact in size, much of the site will be covered with buildings or paving. Except for the front area adjacent to the street, there will be very little landscaping or open space designed into the project.

There are no easy solutions to these issues. The most obvious solution would be to redesign the project with a different layout, although the small size of the parcel does not provide much flexibility in the design. The site design might also be improved if the building footprints were smaller or if the number of units were reduced. When the

project was originally submitted, there were only 6 units proposed. Having fewer units will allow greater flexibility in designing the site plan, allow more maneuvering room for vehicles and provide greater opportunity for landscaping/open space.

ENVIRONMENTAL ASSESMENT

The Haring project qualifies for a CEQA Categorical Exemption, Section 15332, In-Fill Development Project, Class 32. The project is consistent with the General Plan, is located in the City limits, is less than 5-acres in size and is surrounded by existing urban uses. The project site is not a habitat for any rare or endangered species of plant or wildlife, and the project will not create a significant environmental impact.

PUBLIC HEARING NOTICE

A legal notice for the Growth Management Allocation Application was published on June 16, 2007 in the Lodi News Sentinel. 25 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

CONCLUSION

The City Council has final action on the requests for the Growth Management Allocations however; these requests must first be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Therefore, staff recommends that based upon its review and consideration; and the evidence submitted to the Commission, including the evidence presented in this staff report; and oral and written evidence presented at the public hearing; the Planning Commission take the following actions: recommend approval of the Growth Management Allocation application (GM-06-02) to grant 7 growth management allocation units subject to the conditions found in the attached draft resolutions.

RECOMMENDATION

The Planning Commission hereby conditionally approves the request of Brent and Kathy Haring and recommends to the City Council the award of 7 medium density growth management allocation units subject to the conditions in attached Resolution P.C. 07-17.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Recommend Approval of the Request with Alternate Conditions
- Recommend Denial of the Request
- Continue the Request

Respectfully Submitted,

Concurred by:

David Morimoto
Senior Planer

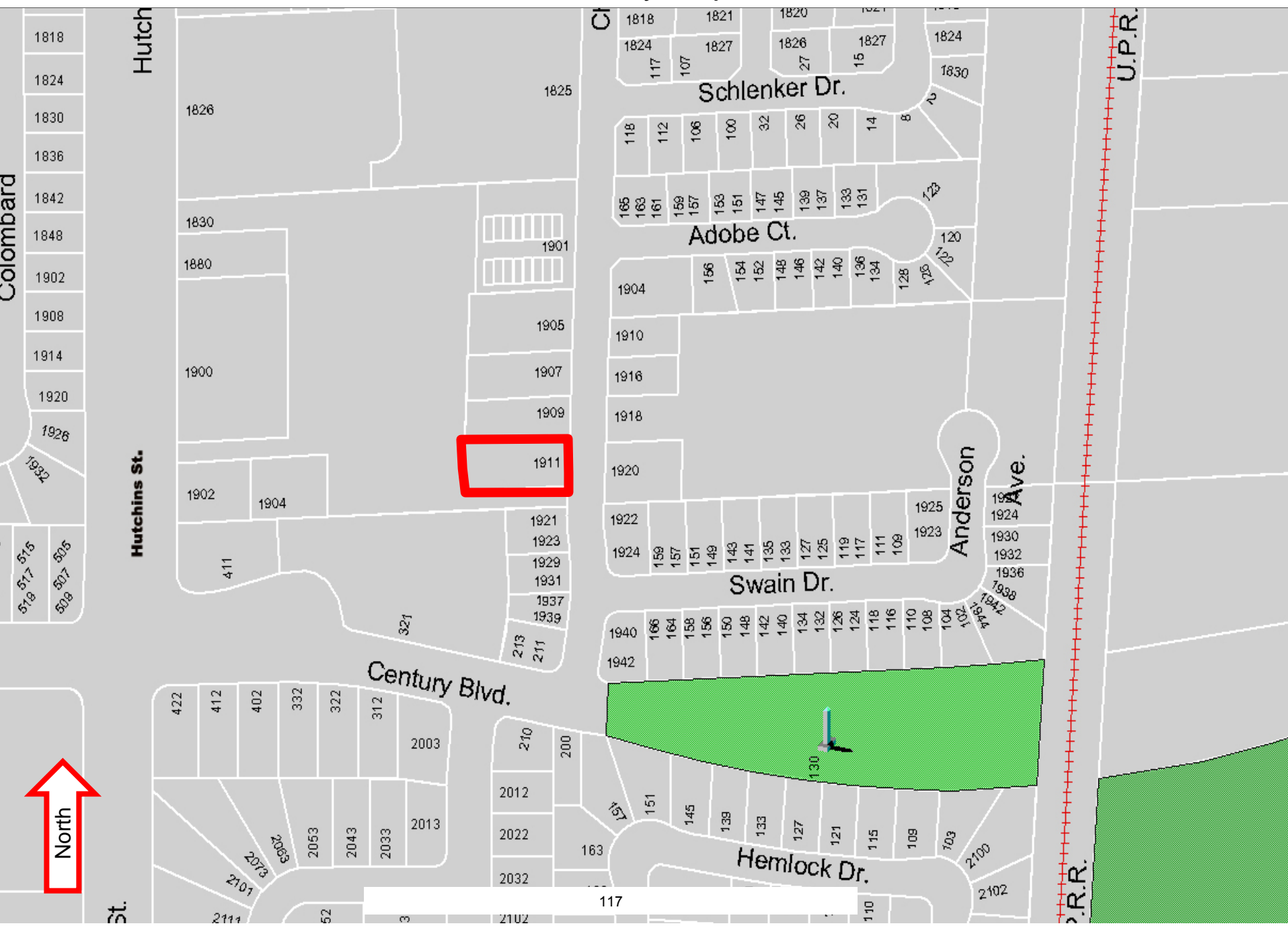
Randy Hatch
Community Development Director

Attachments:

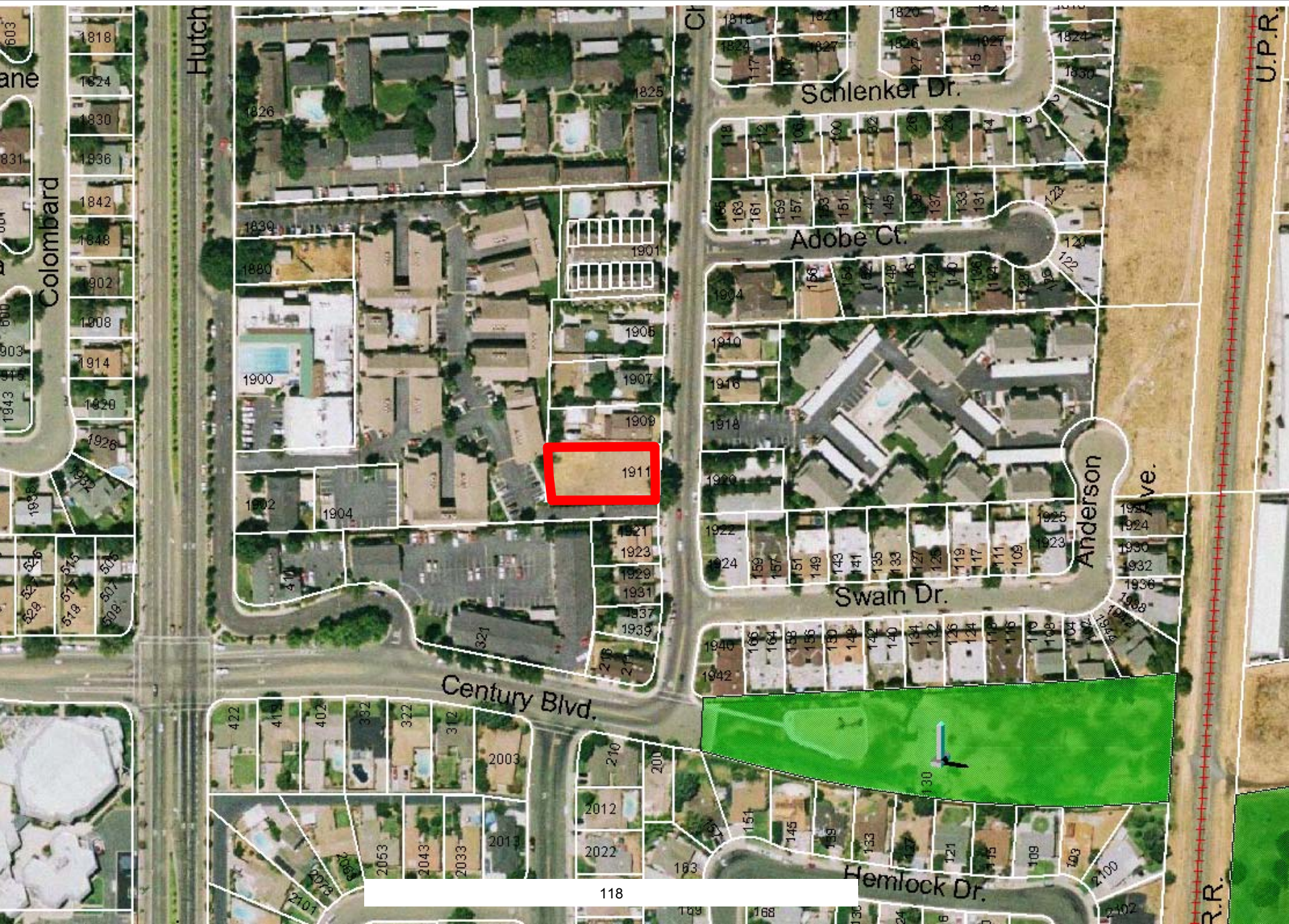
1. Vicinity Map
2. Aerial Photo
3. Site Plan
3. Priority Location Map
4. Draft Resolution P.C. 07-17

RH/pp/dm/kjc

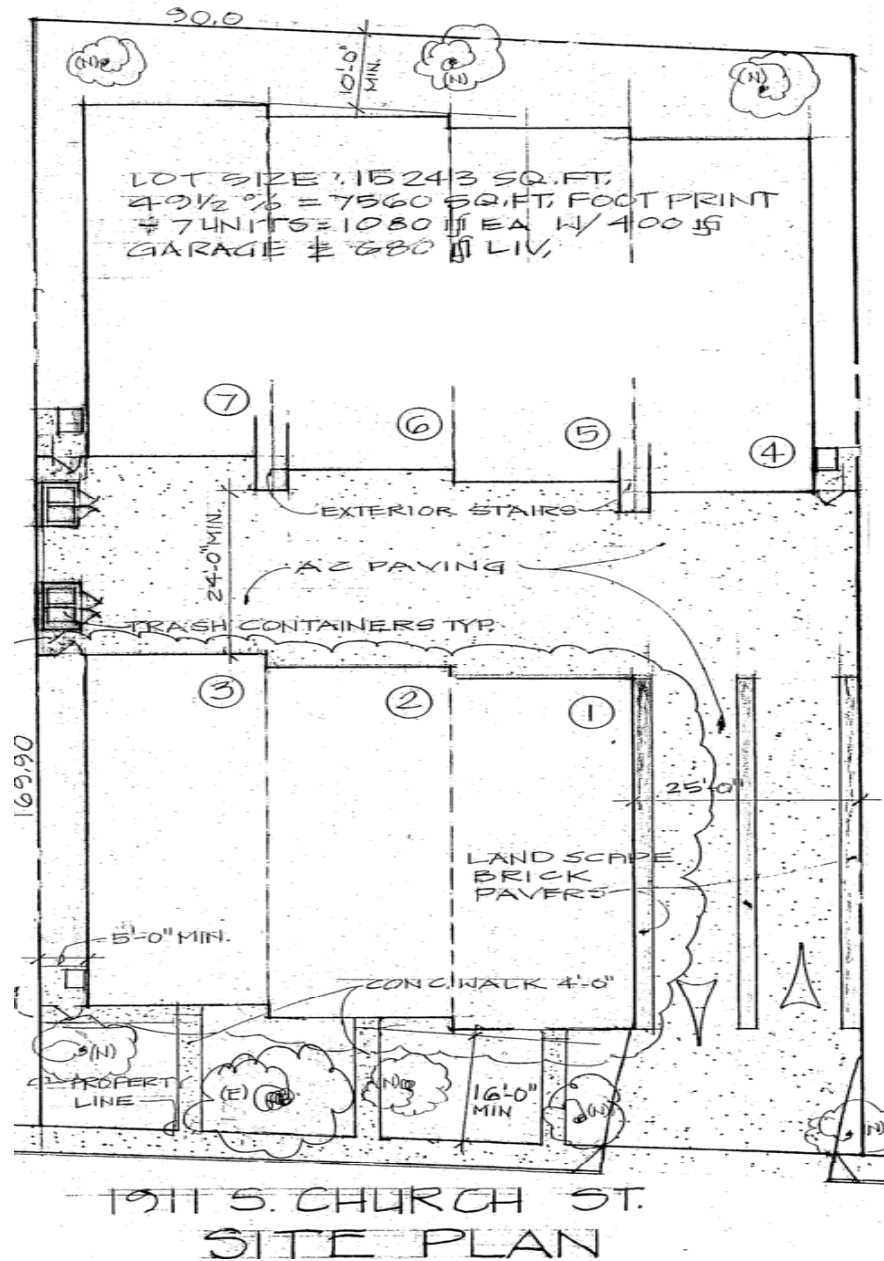
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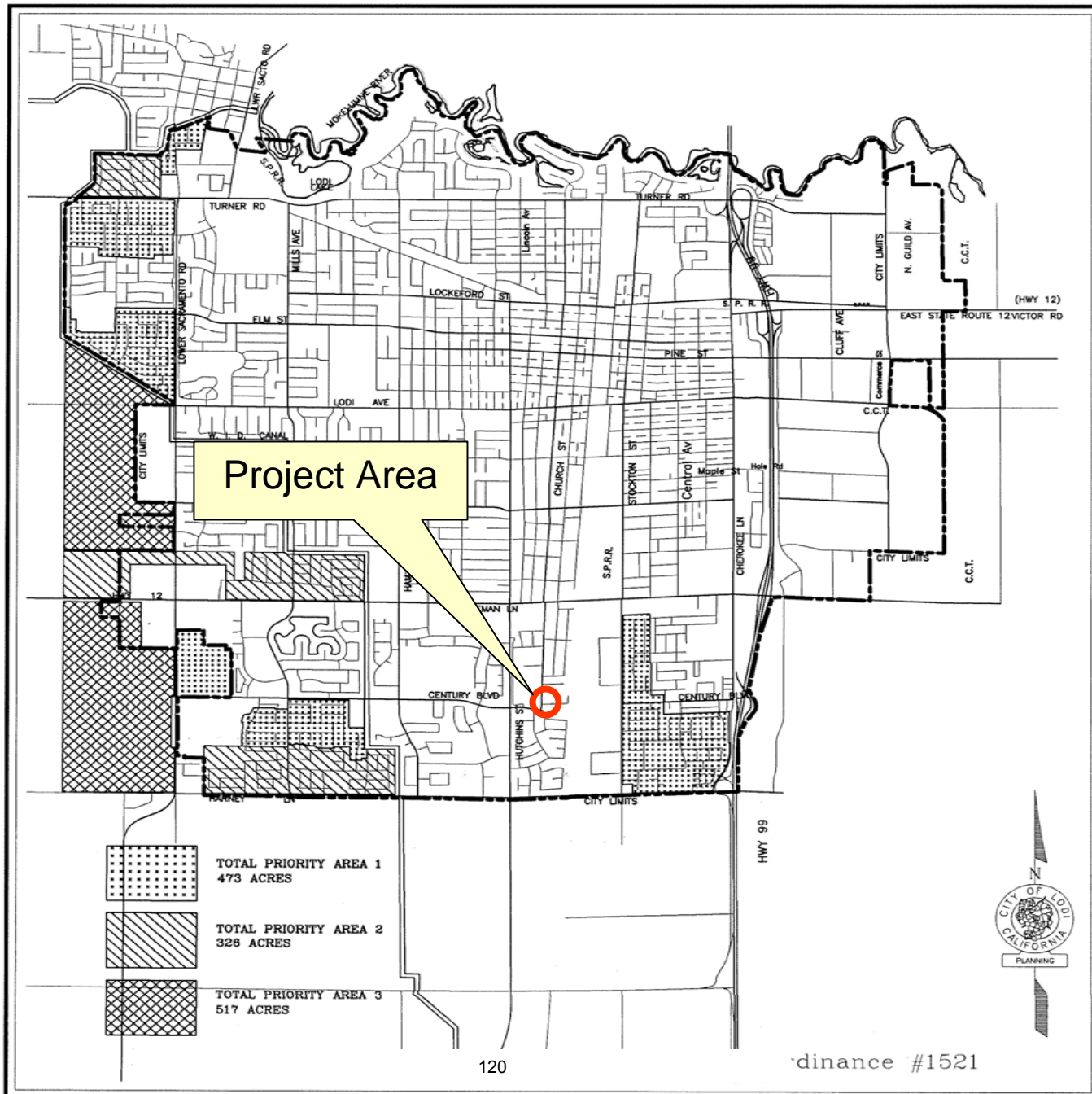
Aerial Photo



Site Plan



Priority Map



RESOLUTION NO. P.C. 07-17

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF
BRETT AND KATHY HARING FOR 7 MEDIUM DENSITY RESIDENTIAL GROWTH
MANAGEMENT UNITS AT 1911 SOUTH CHURCH STREET**

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and
- WHEREAS**, the property is located at 1911 South Church Street (APN: 031-040-42); and
- WHEREAS**, the project proponent and property owners are Brett and Kathy Haring, 1033 East Mokelumne Street, Woodbridge, CA, 95258; and
- WHEREAS**, the property is zoned R-MD, Residential-Medium Density; and
- WHEREAS**, the request is for approval of 7 Medium Density Residential Growth Management Allocations for a 7-unit condominium development, and
- WHEREAS**, all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be categorically exempt according to the standard exemption of CEQA Section 15332, Class 32. – In-Fill Development Projects. The project is consistent with the general plan and zoning, is less than 5-acres in size, is within the City and surrounded by development, there is no habitat value, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality, and the project will be adequately served by all required utilities and public services. The project is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 20 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The proposal is compatible with surrounding developments, zoning and land uses.
6. The proposed development plan can be served by all public utilities.
7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City all required condominium map and related documents to create a legal condominium development.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission review and approval and said plan comply with all applicable zoning and design standards adopted by the City prior to issuance of any construction permits. This will require the applicant to submit a detailed development plan that shows the exact dimensions and building details. The plan must show that the proposed number of units can be built on the property and meet all City development requirements. If there are issues of nonconformity, the applicant must apply for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.
3. The City in granting the seven medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed to meet City standards for setbacks and adequate ingress and egress for the parking areas. Redesign of the project to comply with City standards could possibly result in a reduced number of units built on the site.
4. Payment of the Public Works Department Development Plan Fee in the amount of \$1,065.00 covering development plan review is required.
5. Separate water and wastewater services shall be provided for each proposed condominium unit.
 - a. A public water main shall be extended on-site from the 10-inch public water main in Church Street to provide water services for each unit. If on-site fire hydrants are required by the Fire Department, the water main may have to be looped.
 - b. A private wastewater main shall be extended on-site from the 15-inch wastewater main in Church Street to provide sewer services for each unit.
6. Storm drainage shall be collected on-site and discharged to the 18-inch public storm drain line in Church Street. On-site storm drainage facilities shall be private. Project design and construction shall be in compliance with applicable terms and conditions of the City's Storm water Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
 - a. The City is in the process of adopting Development Design Standards for new projects in conformance with the conditions of the City's Storm water Discharge Permit. Building permits issued after the date of adoption of these Standards will be required to comply with the requirements of the Standards.
7. Engineered improvement plans and engineering calculations for water, wastewater and storm drainage prepared by a registered civil engineer for all public improvements will be required prior to final map filing or issuance of any building permit.
8. The existing driveway approach shall be removed and replaced by curb, gutter and sidewalk conforming to Standard Plan 135. The proposed driveway approach shall be a commercial driveway conforming to Standard Plan 114. The limits of curb, gutter and sidewalk removal and replacement to accommodate the existing and proposed

driveways shall be to the approval of the Public Works Department and may include the entire Church Street frontage.

9. The trash enclosure/community waste receptacles shall provide separate receptacles for garbage and recyclable materials and shall be maintained by the homeowner's association.
10. Annexation to Community Facilities District 2007-1 (Public Services) to cover the cost of providing various City services is required. Annexation shall be complete prior to final map filing or final of building permits. All costs associated with annexation to the Community Facilities District shall be the responsibility of the developer.
11. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.
12. A streetlight will be installed by the Developer.
13. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

**CITY OF LODI
PLANNING COMMISSION
Staff Report**

MEETING DATE: June 27, 2007

APPLICATION NO: Growth Management Allocations 06-GM-03

REQUEST: The request of Taj Khan for Growth Management Allocations, to permit construction of 19 residential units at 865 East Olive Avenue, Lodi

LOCATION: 865 East Olive Avenue, Lodi (County address)
APN 031-040-42

APPLICANT: Taj Khan
1112 Rivergate Drive
Lodi, CA 95240

PROPERTY OWNER: Ramzan Ali
1112 Rivergate Drive
Lodi, CA 95240

RECOMMENDATION

Staff recommends that the Planning Commission approve the request of Taj Khan and recommend that the City Council award 19 medium density growth management allocation units (GM-06-03) to allow a 19-lot residential project at 865 East Olive Avenue, subject to the conditions in the attached resolution.

SUMMARY

The proposed project would permit the construction of 19 residential single-family units on 1.48+ acres on the east side of Lower Sacramento Road, one block south of W. Kettleman Lane, at 865 East Olive Drive (S.J. County address). This property is located immediately south of the Sunwest Shopping Center. Prior to constructing the project, the applicant must secure building allocations as part of the City's Growth Management process. The property is currently a large single-family residential lot. This area was recently annexed into the City as a part of the Southwest Gateway annexation.

PROJECT/AREA DESCRIPTION

General Plan Designation MDR, Medium Density Residential

Zoning Designation R-MD, Residential, Medium Density

Project Size 1.48 acres

The adjacent zoning designations and land uses are as follows:

North and East: C-S, Commercial Shopping Center. The area to the north and east of the subject property is developed with the Sunwest Shopping Center, which contains Wal-Mart, J.C. Penny and additional commercial businesses.

South: R-MD, Residential Medium Density. South of the project site are several older single-family houses on individual parcels that were developed in the County. South of the residences are three agricultural properties that extend south to Century Blvd. All of these properties were recently annexed into the City.

West: R-MD, Residential-Medium Density. West of the project site are several older residences. Further west, across Lower Sacramento Road, is an undeveloped shopping center site and the proposed Southwest Gateway residential project.

PROJECT DESCRIPTION

The project site consists of a single 1.48 acre parcel on the east side of Lower Sacramento Road, one block south of Kettleman Lane. The parcel is located in a cluster of 8 rural residential properties that contain 10-12 older residences developed in the County. The area was once far out in the country, but over the years has been largely surrounded by the City. The subject property does not actually front on Lower Sacramento Road, but is behind two other residential properties that front on the street. The property has access to the street by way of a private driveway called Olive Drive. The road is shared by seven parcels and runs along their shared property lines. The road is not a dedicated street and is only partially paved and is maintained by the property owners. All the properties currently have private wells and septic systems and are not served by City utilities.

BACKGROUND

The Planning Department originally received seven separate residential growth management applications for 2006. Five of the applications were outside of the City limits and required annexation to the City prior to receiving allocations. One of those applications (Khan) has subsequently been annexed into the City as a part of the S.W. Gateway annexation. The remaining four applications remain outside of the City limits and the City and the applicants have agreed to postpone further processing of these applications until the City General Plan is updated. The update of the General Plan is underway and should be completed in the next year to eighteen months. The update of the General Plan will make the processing of these other applications easier by identifying the future land uses anticipated for these areas by the General Plan and laying out an infrastructure and circulation design in these outlying areas. The three growth management applications currently being processed are shown below in Table A. In past years, the Community Development Department has processed all the applications for Residential Growth allocations simultaneously and presented all the requests in one staff report to the Planning Commission and City Council. Due to the varying requirements for environmental review and annexations for the three projects, two of the projects (Haring and Khan) are being processed first. The third project (F&M) will be reviewed following completion of an environmental document.

Additionally, two projects were granted allocations for 2006 by the City Council through the use of Development Agreements that grant allocations over a period of years based on a development plan and a specific development schedule. The two projects are Reynolds Ranch and Southwest Gateway. A third project, the Westside development, was granted multi-year allocations through a Development Agreement, but those allocations do not begin until 2007.

The Khan project is designed as a planned unit residential development. There will be 19 individual lots, each containing a single-family house. The lots will average about 2,200 square feet. The development will have private streets and a single street connecting the project to Lower Sacramento Road. The subject property does not actually front on Lower Sacramento Road and the access street crosses neighboring properties. The applicant will either have to acquire the necessary right of way or obtain a cross over agreement from his neighbors. The project is requesting 19 growth management allocations.

Table A: 2006 Growth Management Applications Requested

	Project Name	Location	Priority	Residential Units ^a			
				Single-Family	Medium Density	High-Density	Total
1	Haring Project	1911 South Church Street	1	0	7	0	7
2	Taj Khan Project	865 East Olive Street	1	0	19	0	19
3	F&M Bank Project*	S.W. corner of W. Turner Road and S. Lower Sacramento Rd.Road	1	0	47	0	47
4	Reynolds Ranch **	South of Harney Lane, between Highway 99 and Union Pacific RR	3	150	0	200	350
5	Southwest Gateway**	West of Lower Sacramento Road between WID Canal and	3	300	0	300	600
6	Westside Development*** (allocations begin in 2007)	West of Lwr. Sacto Rd., north and south of Lodi Ave.	3	0	0	0	0
Total				450	73	500	1023

^a F&M Project will receive allocations following completion of environmental review.

** Allocations granted from prior years unused reserve allocations and development schedule approved as part of Development Agreements.

*** Allocations for the Westside project will begin in 2007.

ANALYSIS

Growth Management Allocations

The Growth Management Allocation Ordinance was adopted by the City Council on September 18, 1991 to regulate the growth, location, amount and timing of residential development in the City. The Growth Management system limits the number of residential units to two percent of the City's population, compounded annually. Once the amount of allocation units is figured, the City requires that the allocation units be distributed among housing types as follows; 65 percent low density, 10 percent medium density and 25 percent high density. For example, the following explains the 450 units available for 2006:

- 1) Calculate two percent of the City's current population: $62,817 \times 2\% = 1,256$.
- 2) Divide 1,256 by the average number of persons per household $1,256/2.789$ (CA Dept. of Finance) = 450
- 3) Divide the 450 units into the 3 housing types:
 - 65% low density = 293 units
 - 10% medium density = 45 units
 - 25% high density = 112 units

Applications for 2006 Growth Management Allocations

As indicated above in the background discussion, there are three projects being reviewed for growth management allocations for 2006. There are also two projects that received 2006 allocations through Developments Agreements. Though the City has historically held one hearing for all of the allocation applications submitted for the calendar year, for purposes of timing, Staff is presenting the Haring project and the Khan project in one hearing. The F&M project will be held later in the year once the environmental work is completed.

The two applicants have submitted applications for a total of 26 medium density growth management allocation units. There are 45 medium density allocation units allocated for 2006; however, the City also has medium density growth management units that were not issued in prior years as shown in Table B below, which leaves a "bank of units" from previous years. The 45 medium density allocations available for 2006 will be sufficient to provide for the two projects. The Commission may note that although the Khan development proposes to build single-family homes, the application requests medium density growth management units because the project density falls in the medium density category. Table B shows a history of growth management allocation units.

Table B: Growth Management Allocation History

Density	Available Allocations				
	Scheduled from 1989-2005	Granted from 1989-2005	Remaining from 1989-2005	Scheduled for 2006	Total Available to Date
Low (0.1-7)	4,608	2,893	1,715	291	2,006
Medium (7.1-20)	709	301	408	45	388
High (20.1-30)	1,772	0 ^a	1,772	112	1,884
TOTAL	7,089	3,194	3,895	448	4,278

^a There have been high density allocations granted over the past 15 years; however they have expired or withdrawn prior to issuance of building permits.

Table C: 2006 Growth Management Allocation Summary

Density	Total Allocations Available for 2006 from Prior Years	Allocations Requested for 2006	Total Allocations Remaining
Low	2,006	450	1,556
Medium	388	73	315
High	1,884	500	1,384
TOTAL	4,278	1023	3,255

Priority Location Map and Point System

The Growth Management Ordinance includes a priority location map and a point system to assist the City with prioritizing issuance of growth management allocations. The priority location map designates lands available for development and provides development categories of one, two or three, with Priority Area 1 being the first priority area for development. The priority areas are based on availability of city services (e.g., water, wastewater, storm drains, streets, police,

fire and parks). The Khan property is located in a Priority 1 area. The point system was established to rate projects based on various project merits in order to determine if one project should be approved before another, particularly if there are more allocation requests than there are available allocations. Staff evaluated the proposed plan against the point system and determined that the Khan project scored 275 points out of 330+ points possible.

Growth Management Allocation Recommendation

The Khan project is located in Priority Area 1. The project is in an area that is developed with rural residential properties that were mostly built 50 or more years ago when this area was much further from any urban development. In the past 20 years the City has grown around these properties and there is a major shopping center that abuts the subject property on two sides. It is anticipated that in the next several years, there will be major development both south and east of the property. It is also likely that some of the rural residential properties surrounding the Khan property will also be redeveloped with new housing. For these reasons, staff recommends approval of the request for 19 medium density growth management allocation units for the Khan project subject to the conditions outlined in the attached resolution.

No Zone Change Required

The Khan request of 19 growth management allocations will not require any zoning change. The property was zone R-MD, residential medium density as part of the Southwest Gateway annexation and development plan review and approval process. The project is consistent with the existing General Plan designation of MDR (Medium Density Residential) and the proposed density of 13-units per acre is within the MDR density range of 7.1-20 dwelling units per acre.

Discussion of Proposed Development Plan

Prior to the final approval of the project, a Development Plan must be reviewed and recommended for approval by the Planning Commission. Once approved, the project site must be developed in accordance with the development plan. The applicant has submitted a development plan depicting the proposed layout and design for the 19-lot planned unit residential development project.

The development plan shows a 19-lots residential planned unit development. The lots average approximately 2,200 square feet in size. The lots are layout along private streets one of which will connect to Lower Sacramento Road. The street layout was designed to serve some of the surrounding properties when and if they develop in the future. Water, sewer, storm drainage and other utilities that are constructed to serve the project will also be designed to provide service to adjoining properties. Because the private street providing access to the subject property will cross six neighboring properties, the applicant will be required to either purchase the necessary street right of way or secure a cross-over agreement and necessary easements from his neighbors.

The project is designed with individual houses built on small individual lots. The lots are small, averaging 2,200 square feet in size. The houses will probably be two-story structures with attached garages. The planned unit development concept will allow greater lot coverage and reduced building setbacks, which will allow the units to fit on the smaller lots.

The streets will be private, with restricted street parking on some of the streets. Utilities lines will be placed in the street right of way to serve the project. As previously mentioned, portions of the proposed street connecting the property to Lower Sacramento Road will cross over neighboring properties. This will require the consent of the affected property owners before the street can be constructed. The adjoining properties will have the right to utilize the main access

street for ingress and egress. The layout is designed so that the streets can be extended to serve adjacent properties if they decide to develop in the future.

ENVIRONMENTAL ASSESMENT

The Khan project was included in the Environmental Impact Report prepared as part of the Lodi Annexation Project. This EIR (EIR-06-01) covered the Westside Project, the Southwest Gateway Project and "other annexation areas". The Khan property was included in the "other annexation areas". The Khan property was analyzed based on a General Plan designation of medium density residential. The Khan proposal for 19-units falls within the range of the M-DR density range. The EIR was certified by the Planning Commission with P.C. Resolution 06-37.

PUBLIC HEARING NOTICE

A legal notice for the Growth Management Allocation Application was published on June 16, 2007 in the Lodi News Sentinel. 12 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

CONCLUSION

The City Council has final action on the requests for the Growth Management Allocations however; these requests must first be reviewed by the Planning Commission with a recommendation forwarded to the City Council. Therefore, staff recommends that unless additional or contrary information is received during the public hearing; and based upon its review and analysis, the Planning Commission take the following actions: recommend approval of the Growth Management Allocation application (GM-06-03) to grant 19 growth management allocation units to the Taj Khan project subject to the conditions found in the attached draft resolutions.

RECOMMENDATION

The Planning Commission hereby conditionally approves the request of Taj Khan and recommends to the City Council the award of 19 medium density growth management allocation units subject to the conditions in the attached Resolution P.C. 07-16.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Recommend Approval of the Request with Alternate Conditions
- Recommend Denial of the Request
- Continue the Request

Respectfully Submitted,

Concurred by:

David Morimoto
Senior Planer

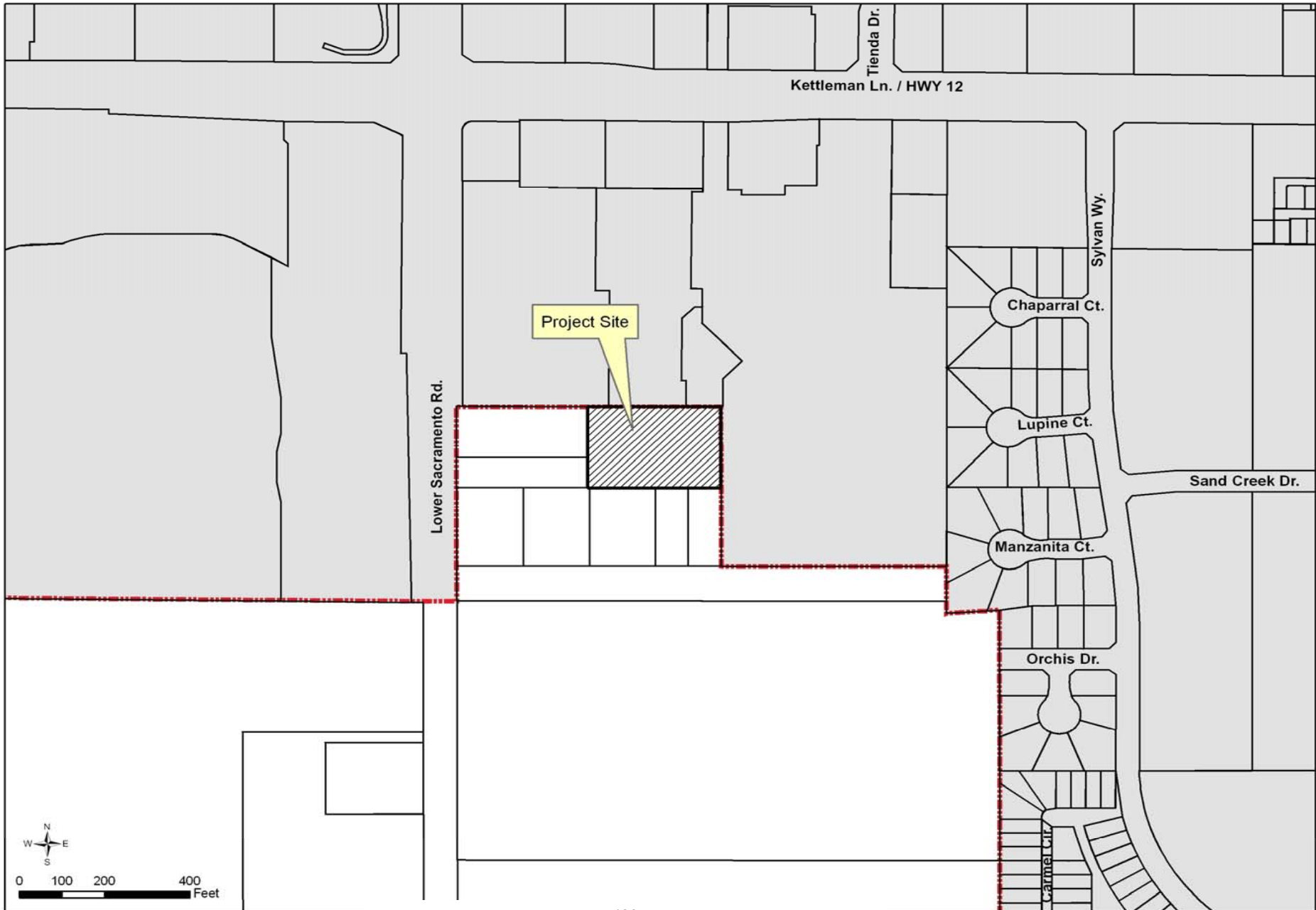
Randy Hatch
Community Development Director

Attachments

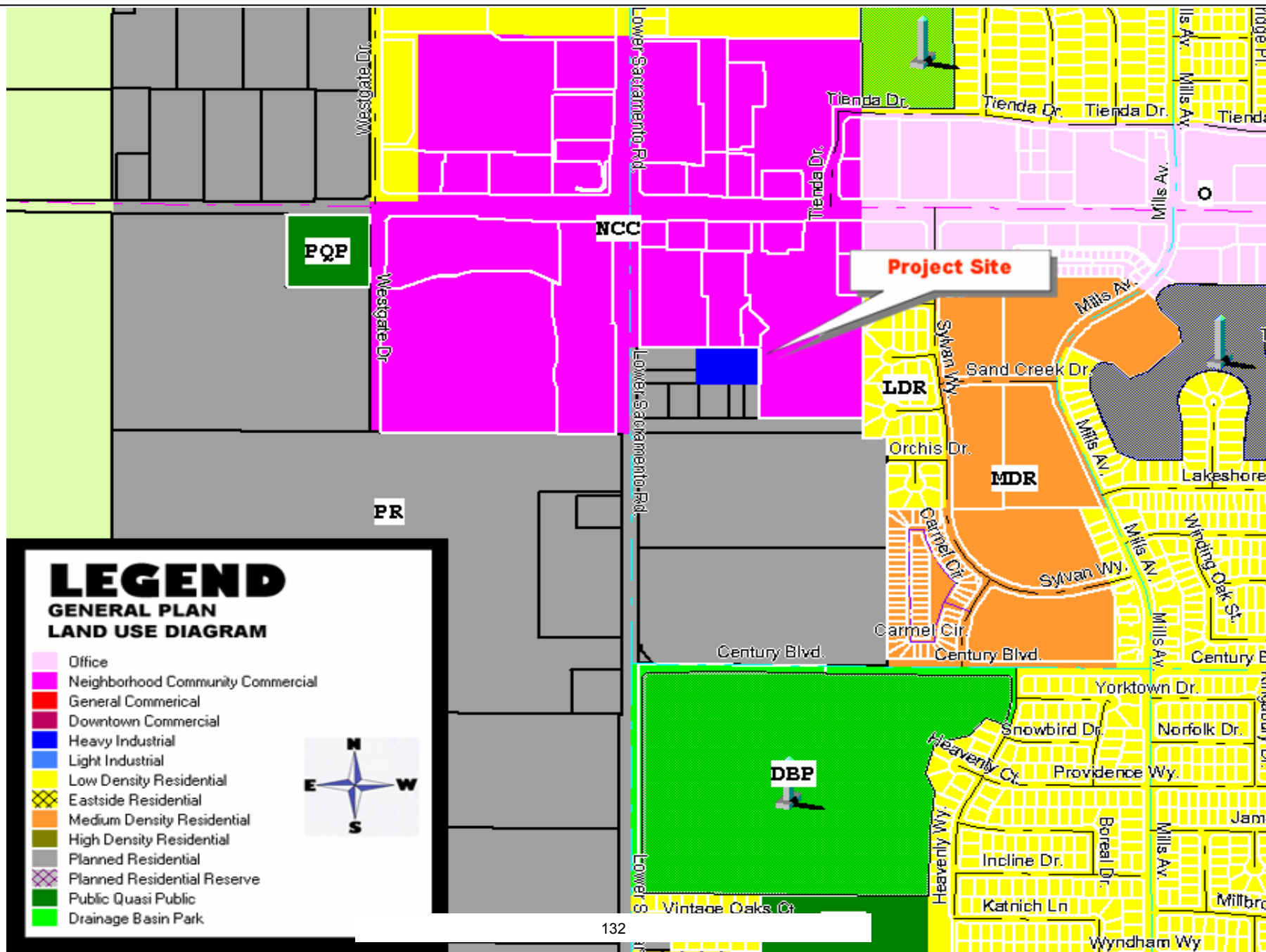
1. Vicinity Map
2. Aerial Photo
3. General Plan Map
4. Priority Location Map
5. Site Plan
6. Draft Resolution P.C. 07-16

RH/pp/dm/kc

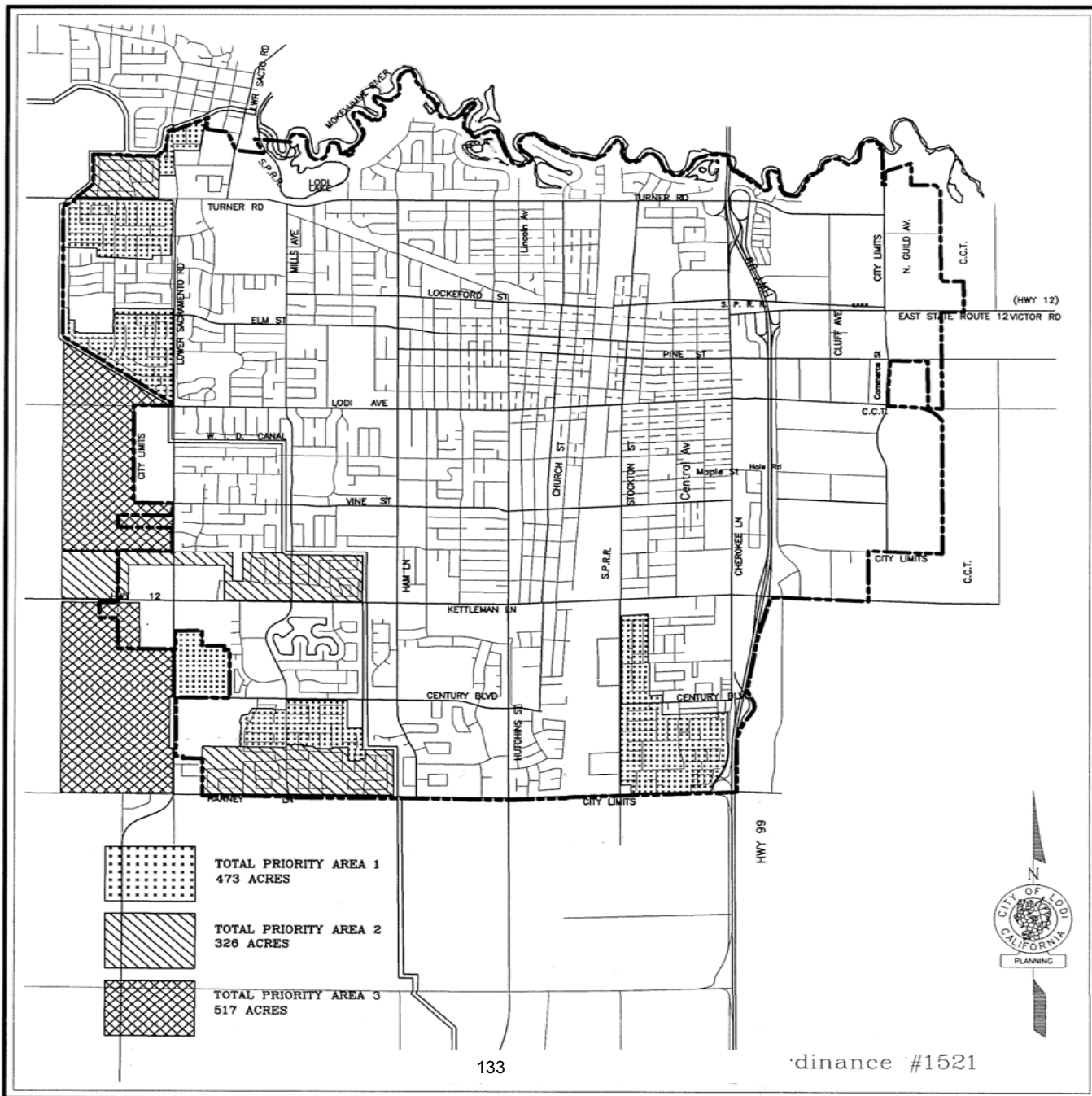
Vicinity Map



General Plan Map



Priority Map



Site Plan

MASTER SITE PLAN

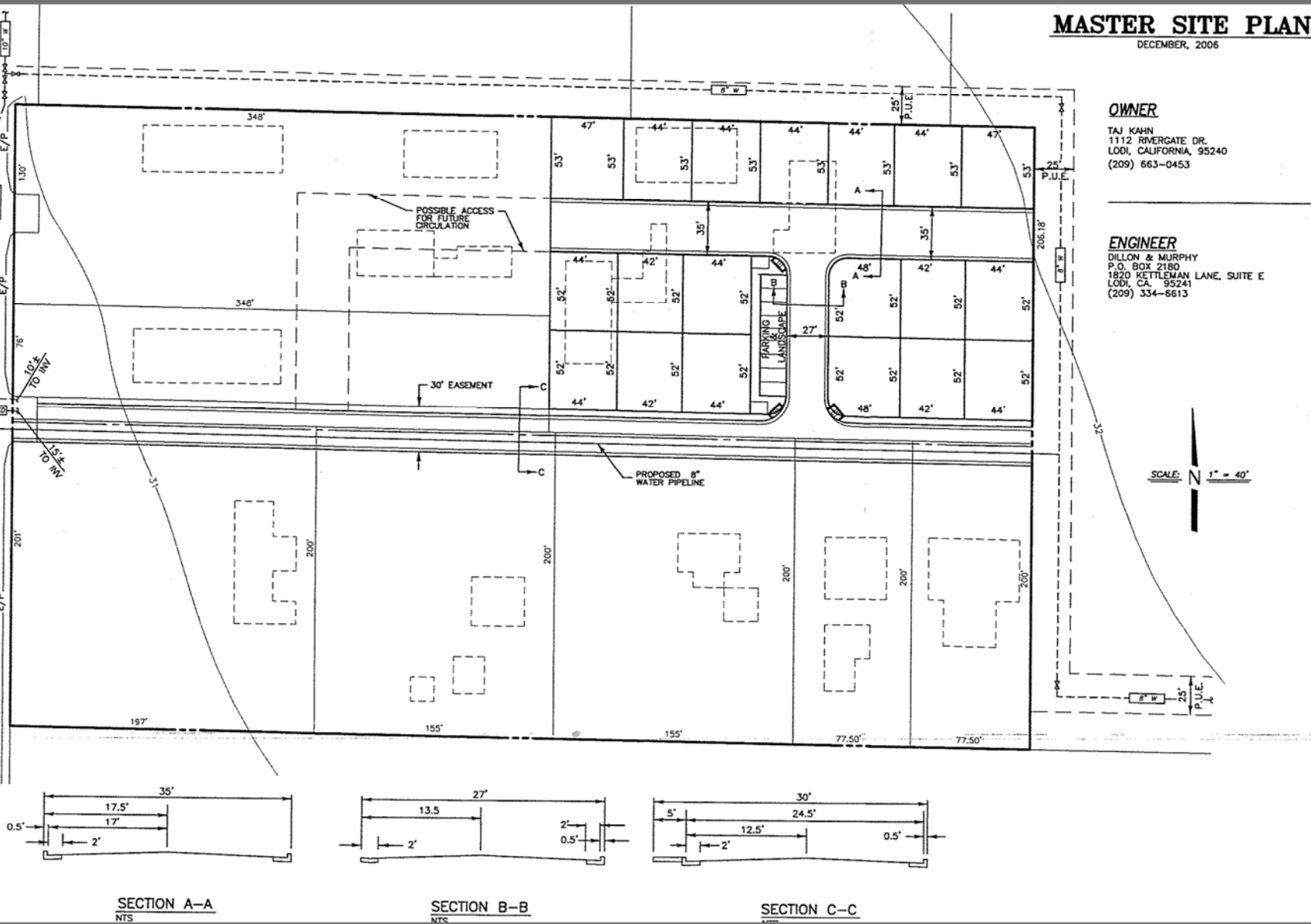
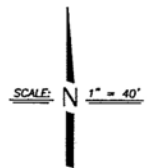
DECEMBER, 2006

OWNER

TAJ KAHN
1112 RIVERGATE DR.
LODI, CALIFORNIA, 95240
(209) 663-0453

ENGINEER

DILLON & MURPHY
P.O. BOX 2180
1820 KETTLEMAN LANE, SUITE E
LODI, CA. 95241
(209) 334-6613



RESOLUTION NO. P.C. 07-16**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF
TAJ KHAN FOR 19 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT
ALLOCATIONS AT 865 OLIVE DRIVE**

- WHEREAS**, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and
- WHEREAS**, the property is located at 865 Olive Drive (APN: 045-180-05); and
- WHEREAS**, the project proponent and property owners are Taj Khan and Ramzan Ali, 1112 Rivergate Drive, Lodi, CA, 95240; and
- WHEREAS**, the property is zoned R-MD, Residential-Medium Density; and
- WHEREAS**, the request is for approval of 19 Medium Density Residential Growth Management Allocations for a 19-lot planned unit residential development, and
- WHEREAS**, all legal prerequisites to the approval of this request have occurred;

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project site was included in the Environmental Impact Report prepared and certified by the City for the Lodi Annexation project. This EIR included the Westside project, the Southwest Gateway project, and the "other annexation areas". The Khan parcel was analyzed as a part of the "other annexed areas", an area on the east side of Lower Sacramento Road, north of Century Blvd. The proposed density of the Khan project is consistent with the residential density analyzed by the EIR. The EIR analyzed all potential impacts of the various projects and appropriate mitigations were adopted. The Khan project will comply with all mitigations recommended by the EIR for impacts resulting from this particular project, including the payment of fees and the construction of required public improvements.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 13 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements for Residential Medium Density that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The Khan proposal is compatible with surrounding zoning and land uses.
6. The proposed development plan can be served by all public utilities.

7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City a required tentative subdivision map and related documents to create a legal residential subdivision.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission approval and said plan must comply with all applicable zoning and design standards adopted by the City prior to issuance of any building permits.
3. The City in granting the nineteen medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed with adequate streets and utilities to serve the project. The applicant must obtain the necessary consent of the affected property owners prior to constructing the required private street and utility lines that will cross neighboring properties.
4. Payment of the Public Works Department Development Plan Fee in the amount of \$1,335.00 to cover development plan review is required prior to approval of the Growth Management Plan.
5. Provide detailed master utility plans for public and private utilities, including engineering calculations. The master plans shall include capacity for the area bounded by the Sunwest Shopping Center on the north, Lower Sacramento Road on the west, 14620 N. Lower Sacramento Road (APN 058-140-14) on the south and the existing residential subdivision on the east. The calculations submitted only address the facilities needed to serve the proposed project.
6. Installation of all public and private utilities and street improvements required to serve the project.
 - a. Water lines shall be public.
 - b. Wastewater and storm drain lines in the proposed private street along the south project boundary shall be public. Wastewater and storm drain lines interior to the development shall be private. The private wastewater and storm drain lines shall be designed to City of Lodi design standards for public improvements.
 - c. Lower Sacramento Road is designed as an expressway. In order to provide safe ingress and egress from Lower Sacramento Road to the proposed private street, public street improvements shall include Lower Sacramento Road widening improvements along the frontages of 14752 N. Lower Sacramento Road (APN 058-140-04), 777 E. Olive Avenue (APN 058-140-11), 800 E. Olive Avenue (APN 058-140-06) and 14620 N. Lower Sacramento Road (APN 058-140-14). Required improvements include, but are not limited to, street pavement widening, curb and gutter, street lights and drainage improvements. Intersection improvements shall be to the approval of the Public Works Director.

- d. Private street improvements shall be to the approval of the Public Works Director and City of Lodi Fire Department.
- e. In order to insure acquisition of the necessary street right-of-way and public utility easements required to allow installation of the Lower Sacramento Road and private street improvements, the developer shall provide deeds of dedication for the street right-of-way and public utility easements on Lower Sacramento Road and along the private street alignment prior to approval of the Growth Management Plan.
6. If the proposed lot grades are more than 6 inches above or below the existing or proposed adjacent lot grades, an additional 2 feet adjacent to the property line shall be provided in the setback to accommodate the installation of a masonry/concrete retaining wall.
7. All project design and construction shall be in compliance with the Americans with Disabilities Act (ADA). City of Lodi Standard Plans are in the process of being revised and it should not be assumed that current standard plans are fully ADA compliant. Project compliance with ADA standards is the developer's responsibility.
8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP. In addition, City staff is currently developing a Storm Drainage Permit Compliance Inspection Fee for wet season (October 1 through April 15) inspections of construction sites required as a condition of the City's NPDES stormwater permit. Since inspections will be made on a monthly basis, the amount of the fee for a given project will vary depending upon the time and length of construction. If approved by the City Council, the proposed project will be subject to this fee.
9. City staff is currently developing design standards for post-construction stormwater management. We anticipate the design standards will be approved in Spring/Summer 2007. This project will be required to incorporate the new standards in the project design.
10. The Developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs for all private streets, private wastewater and storm drain utilities and other shared private facilities that serve the proposed development.
11. The City is pursuing the establishment of Community Facilities District 2700-1 (Public Services) to cover the cost of providing various City services. In addition, there is an existing assessment district, Lodi Consolidated Landscape Maintenance District 2003-1 (LMD) which covers the maintenance costs for publicly owned masonry walls, landscaping and irrigation systems, street trees and park maintenance. If Community Facilities District 2700-1 has been established prior to final map filing, the proposed project will be required to annex into the District. If not, the project will be required to join the existing LMD. All costs associated with annexation to either district shall be the responsibility of the

developer. Annexation shall be complete prior to final map filing or final of building permit.

12. The City is pursuing the establishment of an area of benefit and reimbursable costs for the Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements installed by the City that benefit adjacent parcels and would be required to be installed as a condition of development of those parcels. The project site is within the proposed area of benefit. A public hearing has been set for the regular City Council meeting on March 21, 2007. If approved by the City Council, payment of reimbursable costs for Lower Sacramento Road improvements will be required prior to final map filing for this project.
13. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.
14. The applicant will provide Public Utility Easements (PUE) required for all on-site existing and/or future primary facilities.
15. Street lights to be installed by the developer at required locations.
16. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-16 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST:

Secretary, Planning Commission

RESOLUTION NO. P.C. 07-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF BRETT AND KATHY HARING FOR 7 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT UNITS AT 1911 SOUTH CHURCH STREET

- WHEREAS,** the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and
- WHEREAS,** the property is located at 1911 South Church Street (APN: 062-490-05); and
- WHEREAS,** the project proponent and property owners are Brett and Kathy Haring, 1033 East Mokelumne Street, Woodbridge, CA, 95258; and
- WHEREAS,** the property is zoned R-MD, Residential-Medium Density; and
- WHEREAS,** the request is for approval of 7 Medium Density Residential Growth Management Allocations for a 7-unit condominium development, and
- WHEREAS,** all legal prerequisites to the approval of this request have occurred; and

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project is found to be categorically exempt according to the standard exemption of CEQA Section 15332, Class 32. – In-Fill Development Projects. The project is consistent with the general plan and zoning, is less than 5-acres in size, is within the City and surrounded by development, there is no habitat value, approval of the project will not result in significant effects relating to traffic, noise, air quality, or water quality, and the project will be adequately served by all required utilities and public services. The project is exempt from further review under CEQA. No significant impacts are anticipated and no mitigation measures have been required.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 20 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The proposal is compatible with surrounding developments, zoning and land uses.
6. The proposed development plan can be served by all public utilities.
7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City all required condominium map and related documents to create a legal condominium development.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission review and approval and said plan comply with all applicable zoning and design standards adopted by the City prior to issuance of any construction permits. This will require the applicant to submit a detailed development plan that shows the exact dimensions and building details. The plan must show that the proposed number of units can be built on the property and meet all City development requirements. If there are issues of nonconformity, the applicant must apply for appropriate administrative deviations or variances, and be granted some type of exception before they can proceed.
3. The City in granting the seven medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed to meet City standards for setbacks and adequate ingress and egress for the parking areas. Redesign of the project to comply with City standards could possibly result in a reduced number of units built on the site.
4. Payment of the Public Works Department Development Plan Fee in the amount of \$1,065.00 covering development plan review is required.
5. Separate water and wastewater services shall be provided for each proposed condominium unit.
 - a. A public water main shall be extended on-site from the 10-inch public water main in Church Street to provide water services for each unit. If on-site fire hydrants are required by the Fire Department, the water main may have to be looped.
 - b. A private wastewater main shall be extended on-site from the 15-inch wastewater main in Church Street to provide sewer services for each unit.
6. Storm drainage shall be collected on-site and discharged to the 18-inch public storm drain line in Church Street. On-site storm drainage facilities shall be private. Project design and construction shall be in compliance with applicable terms and conditions of the City's Storm water Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
 - a. The City is in the process of adopting Development Design Standards for new projects in conformance with the conditions of the City's Storm water Discharge Permit. Building permits issued after the date of adoption of these Standards will be required to comply with the requirements of the Standards.
7. Engineered improvement plans and engineering calculations for water, wastewater and storm drainage prepared by a registered civil engineer for all public improvements will be required prior to final map filing or issuance of any building permit.
8. The existing driveway approach shall be removed and replaced by curb, gutter and sidewalk conforming to Standard Plan 135. The proposed driveway approach shall be a commercial driveway conforming to Standard Plan 114. The limits of curb, gutter and sidewalk removal and replacement to accommodate the existing and proposed

driveways shall be to the approval of the Public Works Department and may include the entire Church Street frontage.

9. The trash enclosure/community waste receptacles shall provide separate receptacles for garbage and recyclable materials and shall be maintained by the homeowner's association.
10. Annexation to Community Facilities District 2007-1 (Public Services) to cover the cost of providing various City services is required. Annexation shall be complete prior to final map filing or final of building permits. All costs associated with annexation to the Community Facilities District shall be the responsibility of the developer.
11. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.
12. A streetlight will be installed by the Developer.
13. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-17 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners: Heinitz, Kiser, Mattheis, Moran, White, and Chair Kuehne

NOES: Commissioners: None

ABSENT: Commissioners: Cummins

ATTEST: _____
Secretary, Planning Commission

RESOLUTION NO. P.C. 07-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF THE REQUEST OF TAJ KHAN FOR 19 MEDIUM DENSITY RESIDENTIAL GROWTH MANAGEMENT ALLOCATIONS AT 865 OLIVE DRIVE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Growth Management Development Plan as required by Lodi Municipal Code Chapter 15.34; and

WHEREAS, the property is located at 865 Olive Drive (APN: 045-180-05); and

WHEREAS, the project proponent and property owners are Taj Khan and Ramzan Ali, 1112 Rivergate Drive, Lodi, CA, 95240; and

WHEREAS, the property is zoned R-MD, Residential-Medium Density; and

WHEREAS, the request is for approval of 19 Medium Density Residential Growth Management Allocations for a 19-lot planned unit residential development, and

WHEREAS, all legal prerequisites to the approval of this request have occurred;

Based upon the evidence in the staff report and project file, the Planning Commission makes the following findings:

1. The project site was included in the Environmental Impact Report prepared and certified by the City for the Lodi Annexation project. This EIR included the Westside project, the Southwest Gateway project, and the “other annexation areas”. The Khan parcel was analyzed as a part of the “other annexed areas”, an area on the east side of Lower Sacramento Road, north of Century Blvd. The proposed density of the Khan project is consistent with the residential density analyzed by the EIR. The EIR analyzed all potential impacts of the various projects and appropriate mitigations were adopted. The Khan project will comply with all mitigations recommended by the EIR for impacts resulting from this particular project, including the payment of fees and the construction of required public improvements.
2. The proposed design and improvement of the site will be designed to be consistent with all applicable standards adopted by the City in that the project, as conditioned and shall conform to the standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, and Zoning Ordinance.
3. The standard size, shape and topography of the site are physically suitable for a medium density residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
4. The proposed density of 13 dwelling units per acre is consistent with the General Plan Land Use and Growth Management Elements for Residential Medium Density that limits the density of the project site to a maximum of 20 dwelling units per acre.
5. The Khan proposal is compatible with surrounding zoning and land uses.
6. The proposed development plan can be served by all public utilities.

7. The Development Plan complies with the requirements of Section 15.34.070 of the Growth Management Plan for Residential Development Ordinance.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi that this recommendation is based on the following conditions:

1. The applicant must submit for approval by the City a required tentative subdivision map and related documents to create a legal residential subdivision.
2. The proposed residential site and development plan for the project must be submitted for Planning Commission approval and said plan must comply with all applicable zoning and design standards adopted by the City prior to issuance of any building permits.
3. The City in granting the nineteen medium density growth management allocations for this project will require that the applicant demonstrate that the project can be designed with adequate streets and utilities to serve the project. The applicant must obtain the necessary consent of the affected property owners prior to constructing the required private street and utility lines that will cross neighboring properties.
4. Payment of the Public Works Department Development Plan Fee in the amount of \$1,335.00 to cover development plan review is required prior to approval of the Growth Management Plan.
5. Provide detailed master utility plans for public and private utilities, including engineering calculations. The master plans shall include capacity for the area bounded by the Sunwest Shopping Center on the north, Lower Sacramento Road on the west, 14620 N. Lower Sacramento Road (APN 058-140-14) on the south and the existing residential subdivision on the east. The calculations submitted only address the facilities needed to serve the proposed project.
6. Installation of all public and private utilities and street improvements required to serve the project.
 - a. Water lines shall be public.
 - b. Wastewater and storm drain lines in the proposed private street along the south project boundary shall be public. Wastewater and storm drain lines interior to the development shall be private. The private wastewater and storm drain lines shall be designed to City of Lodi design standards for public improvements.
 - c. Lower Sacramento Road is designed as an expressway. In order to provide safe ingress and egress from Lower Sacramento Road to the proposed private street, public street improvements shall include Lower Sacramento Road widening improvements along the frontages of 14752 N. Lower Sacramento Road (APN 058-140-04), 777 E. Olive Avenue (APN 058-140-11), 800 E. Olive Avenue (APN 058-140-06) and 14620 N. Lower Sacramento Road (APN 058-140-14). Required improvements include, but are not limited to, street pavement widening, curb and gutter, street lights and drainage improvements. Intersection improvements shall be to the approval of the Public Works Director.

- d. Private street improvements shall be to the approval of the Public Works Director and City of Lodi Fire Department.
 - e. In order to insure acquisition of the necessary street right-of-way and public utility easements required to allow installation of the Lower Sacramento Road and private street improvements, the developer shall provide deeds of dedication for the street right-of-way and public utility easements on Lower Sacramento Road and along the private street alignment prior to approval of the Development Plan.
7. If the proposed lot grades are more than 6 inches above or below the existing or proposed adjacent lot grades, an additional 2 feet adjacent to the property line shall be provided in the setback to accommodate the installation of a masonry/concrete retaining wall.
 8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) and shall employ the Best Management Practices (BMPs) identified in the SMP. In addition, City staff is currently developing a Storm Drainage Permit Compliance Inspection Fee for wet season (October 1 through April 15) inspections of construction sites required as a condition of the City's NPDES stormwater permit. Since inspections will be made on a monthly basis, the amount of the fee for a given project will vary depending upon the time and length of construction. If approved by the City Council, the proposed project will be subject to this fee.
 9. City staff is currently developing design standards for post-construction stormwater management. We anticipate the design standards will be approved in Spring/Summer 2007. This project will be required to incorporate the new standards in the project design.
 10. The Developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs for all private streets, private wastewater and storm drain utilities and other shared private facilities that serve the proposed development.
 11. The City is pursuing the establishment of Community Facilities District 2700-1 (Public Services) to cover the cost of providing various City services. In addition, there is an existing assessment district, Lodi Consolidated Landscape Maintenance District 2003-1 (LMD) which covers the maintenance costs for publicly owned masonry walls, landscaping and irrigation systems, street trees and park maintenance. If Community Facilities District 2700-1 has been established prior to final map filing, the proposed project will be required to annex into the District. If not, the project will be required to join the existing LMD. All costs associated with annexation to either district shall be the responsibility of the developer. Annexation shall be complete prior to final map filing or final of building permit.
 12. The City is pursuing the establishment of an area of benefit and reimbursable costs for the Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements installed by the City that benefit adjacent parcels and would be required to be installed as a condition of development of those parcels. The project site is within the proposed area of benefit. A public hearing has been set for the regular City

Council meeting on March 21, 2007. If approved by the City Council, payment of reimbursable costs for Lower Sacramento Road improvements will be required prior to final map filing for this project.

13. Additional comments and conditions will be provided in conjunction with the approval of a tentative map and/or development plan for this project.
14. The applicant will provide Public Utility Easements (PUE) required for all on-site existing and/or future primary facilities.
15. Street lights to be installed by the developer at required locations.
16. The Developer to pay for Electric Utility charges in accordance with the Electric Department's Rules and Regulations.

I hereby certify that Resolution No. 07-16 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on June 27, 2007, by the following vote:

AYES: Commissioners: Heinitz, Kiser, Mattheis, Moran, White, and Chair
Kuehne

NOES: Commissioners: None

ABSENT: Commissioners: Cummins

ATTEST:

Secretary, Planning Commission

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE PLANNING COMMISSION'S
RECOMMENDATION FOR THE 2006 GROWTH
MANAGEMENT ALLOCATIONS FOR BRETT AND
KATHY HARING; AND TAJ KHAN

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the 2006 Growth Management Allocation as recommended by the Lodi Planning Commission, as shown as follows:

	<u>Requested 2006 Allocations</u>	<u>Recommended 2006 Allocations</u>
Brett & Kathy Haring	7	7 Medium Density, 1911 S. Church Street
Taj Khan	19	19 Medium Density, 865 East Olive Avenue
TOTAL	26	26

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S
RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT
ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN**

PUBLISH DATE: SATURDAY, JULY 21, 2007

LEGAL AD

TEAR SHEETS WANTED: One (1) please

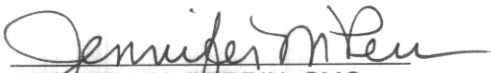
SEND AFFIDAVIT AND BILL TO:

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JULY 19, 2007

ORDERED BY:

RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 3:20 (time) on 7/19/07 (date) 2 (pages)
7/19/07 Phoned to confirm receipt of all pages at 3:40 (time) JLT DRC JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN

On Friday, July 20, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION FOR THE 2006 GROWTH MANAGEMENT ALLOCATIONS FOR BRETT & KATHY HARING AND TAJ KHAN

On July 20, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

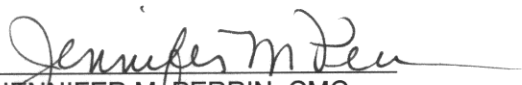
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK, CITY OF LODI**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK



CITY OF LODI
Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: August 1, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl
City Clerk
Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

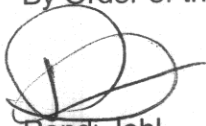
NOTICE IS HEREBY GIVEN that on **Wednesday, August 1, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider approval of the following item:

- a) **Planning Commission's recommendation for the 2006 Growth Management Allocations for Brett & Kathy Haring and Taj Khan**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

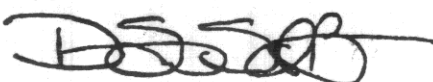
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


Randi Johl
City Clerk

Dated: July 18, 2007

Approved as to form:


D. Stephen Schwabauer
City Attorney

Growth Management - Kathy Haring mailing list

EXHIBIT B

APN	OWNER	ADDRESS	CITY	STATE	ZIP
06218017	SPRAGUE, O DEAN & MARY BETH TR	5070 LEXINGTON CIR	LOOMIS	CA	95650
06220002	EAST WEST, INVESTORS II	400 PACIFIC AVE	SAN FRANCISCO	CA	94133
06220003	ALI, RAMZAN & NASEEM A TR	249 DUNSMUIR DR	LODI	CA	95240
06220004	ARROYO, JUAN	423 DON CARLOS CT	STOCKTON	CA	95210
06220005	FAIRLEY, MELISSA C TR	48817 SEMILLON DR	FREMONT	CA	94539
06220006	LEE, HOMER MAX & JOAN MAVONE T	PO BOX 1690	LODI	CA	95241
06221001	OLSON, MARK J ETAL	1940 S CHURCH ST	LODI	CA	95240
06221002	VAN SLYKE, RICHARD C & DONNA M	8459 CAVE CITY RD	MOUNTAIN RANCH	CA	95246
06221003	HUSSAIN, MAHMOOD & T ETL	158 SWAIN DR	LODI	CA	95240
06221020	NGUYEN, OANH KIM	PO BOX 781	LODI	CA	95241
06221021	MUNIZ, ALBERTO & MARIA ALANIZ	9430 PLYMOTH ST	OAKLAND	CA	94603
06221022	KANG, INDERJETT S & BALJIT K	2506 MEADOW DR	LODI	CA	95240
06221023	MEDRANO, BENITO M & DOMITILA S	1922 S CHURCH ST	LODI	CA	95240
06231014	SAHAGUN, ALFREDO ETAL	156 ADOBE CT	LODI	CA	95240
06231015	BANK OF NEW YORK TR	4828 LOOP CENTRAL DR	HOUSTON	TX	77081
06231016	WOOD, BARRY C & PATRICIA P	1910 S CHURCH ST	LODI	CA	95240
06231017	GOMEZ, ANTONIO & MARIA	1924 WYNDHAM WAY	LODI	CA	95242
06231018	AMIN, BASHARAT	2226 CHAPARRAL CT	LODI	CA	95242
06231019	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242

Growth Management - Kathy Haring mailing list

06249002	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249004	LODI ATHLETIC CLUBS PTP	11290 PYRITES WAY SUITE 100	GOLD RIVER	CA	95670
06249005	LODI HUTCHINS STREET ASSOC LP	1420 S MILLS AVE #M	LODI	CA	95242
06249006	NORTHUP, JEFFREY D	1905 S CHURCH ST	LODI	CA	95240
06249007	ALIFERIS, ARISTOMENIS A	1907 S CHURCH ST	LODI	CA	95240
06249008	THOMAS, PATRICK & LISA	1909 S CHURCH ST	LODI	CA	95240
06249009	HARING, BRETT R & KATHLEEN B	552 KIRST DR	WOODBIDGE	CA	95258

Growth Management – Taj Khan mailing list

APN	OWNER	ADDRESS	CITY	STATE	ZIP
05814004	FRAME, DEAN K & SHARON L TR	212 RUTLEDGE DR	LODI	CA	95242
05814005	KHAN, TAJ M ETAL	1112 RIVERGATE DR	LODI	CA	95240
05814006	HERRMANN, VERNET & C TRS	1200 GLENHURST	LODI	CA	95240
05814007	DEL RIO, SANTIAGO M & RAMONA T	15315 N HOERL RD	LODI	CA	95240
05814008	HALL, FRANK	PO BOX 90	FRENCH CAMP	CA	95231
05814009	DEL RIO, SANTIAGO M & RAMONA T	15315 N HOERL RD	LODI	CA	95240
05814010	YANG, JERRY	930 E OLIVE AVE	LODI	CA	95242
05814011	GREVER, ZANE M & P TRS	1432 PARK ST	LODI	CA	95242
05814012	PETERSON, M BILL	P O BOX 473	LOCKEFORD	CA	95237
05814014	PETERSON, RUTH SUSAN	PO BOX 331	SUTTER CREEK	CA	95685
05814035	BDC LODI ANCHOR LP	100 SWAN WAY SUITE 206	OAKLAND	CA	94621
05814044	FIRST LODI PLAZA ASSOCIATES	100 SWAN WAY SUITE 206	OAKLAND	CA	94621
05814045	FIRST LODI PLAZA ASSOCIATES	PO BOX 10001	DALLAS	TX	75301
05814050	FIRST LODI PLAZA ASSOC LTD PTP	100 SWAN WAY SUITE 206	OAKLAND	CA	94621



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to consider adoption of resolution levying annual (2008) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (as approved by Council on July 18, 2007)

MEETING DATE: August 1, 2007

PREPARED BY: City Manager

RECOMMENDED ACTION: Conduct Public Hearing to consider adoption of resolution levying Annual (2008) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (as approved by Council on July 18, 2007).

BACKGROUND INFORMATION: The Downtown Lodi Business Improvement Area No. 1 2007/08 Annual Report was presented and approved by the City Council on July 18, 2007. The Council established August 1, 2007 as the Public Hearing date during which time the public would have an opportunity to present written or oral protests to the assessment being proposed. The Public Hearing is established pursuant to Section 36535 of the California Streets and Highways Code.

Pursuant to Lodi Municipal Code chapter/section 12.06.110: *The purpose of this process is to comply with the Act provisions regarding public notice and hearing prior to establishing the benefit fees for the following billing period. City shall not adopt, modify or otherwise amend any billing period budget of the area that is inconsistent in any way with such billing period's budget as agreed to and presented by the board except in the case of a written majority protest (regarding elimination or modification of any specific budget item) from business owners which will pay fifty percent or more of the fees proposed to be levied as to any specific budget item pursuant to Streets and Highways Code Section 36525(b). In such case the written protest regarding any specific budget item shall be grounds to eliminate or modify such expenditure from the area's proposed budget pursuant to the written protest.*

Streets and Highway Code 36535 (c) states: *At the conclusion of the public hearing, the City Council may adopt a resolution confirming the report as originally filed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the report.*

FISCAL IMPACT: The Downtown Lodi Business Partnership was established in order to create the mechanisms necessary to give Downtown Lodi the ability to compete regionally as a shopping center and entertainment destination. The purpose of the assessment is to pool contributions of individual business owners in order to provide the DLBP with the resources to provide marketing and events coordination.

APPROVED: _____
Blair King, City Manager

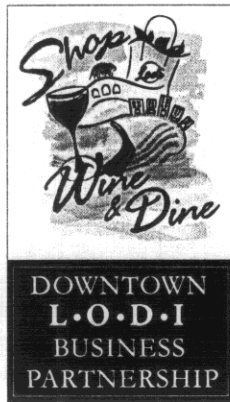
FUNDING AVAILABLE: As collected by the City on behalf of the DLBP.

Kirk Evans, Budget Manager

Blair King
City Manager

Attachments

cc: Jaimie Watts, Executive Director, DLBP



May 16, 2007

Mr. Blair King, City Manager
City of Lodi
221 W. Pine Street
Lodi, CA 95241-1910

Re: Annual Report 2007/2008

Dear Blair:

Section 11.0 of the City Ordinance Number 1654, establishing the Downtown Lodi Business Improvement Area, requires that we submit to you by September of each year our annual report and budget.

In addition, the State of California Streets and Highways code, which is the enabling legislation, also specifies that certain additional information be provided. You will find all of the required information contained in our report.

We have provided you with seven copies, five for the City Council, one for the City Clerk and one for yourself.

Thank you for your continued support.

Sincerely,

Jaime Watts, Executive
Downtown Lodi Business Partnership

2038309
ENDORSED
FILED

In the office of the Secretary of State
of the State of California

MAR 31 1998

Bill Jones
BILL JONES, Secretary of State

ARTICLES OF INCORPORATION OF
DOWNTOWN LODI BUSINESS PARTNERSHIP
A California Nonprofit Mutual Benefit Corporation

One: The name of the corporation is Downtown Lodi Business Partnership (A California Nonprofit Mutual Benefit Corporation).

Two: This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under such law.

Such purposes for which this corporation is formed are to promote and improve the downtown Lodi business area, to generally improve business conditions in the downtown area, and to generally enhance the downtown area of the City of Lodi. Notwithstanding any other provision of these articles, this corporation shall not engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.

Three: The name and address of the corporation's initial agent for service of process is Ronald M. Beckman, Esq., 111 N. Church Street, Lodi, California, 95240.

Four: The right to determine the consideration for which memberships will be issued shall be vested in the Regular Members, to be determined by a majority vote of the Regular Members in good standing.

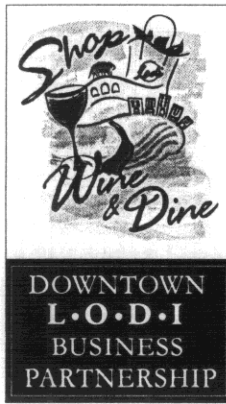
Five: No part of the net earnings of the corporation shall inure to the benefit of any member or private shareholder, as defined for purposes of Section 501 (c) (5) of the Internal Revenue Code of 1954.

Dated: March 31, 1998

Ronald M. Beckman

Ronald M. Beckman, Incorporator





2007/2008 ANNUAL REPORT

Items listed below refer to Section 36533(b) of the California Streets and Highway Code:

No changes in boundaries of benefit zones within the area are proposed.

No physical improvements are planned.

Budget for the budget year July 1, 2007 through June 30, 2008 is enclosed.

The budget details all sources of income and projected expenses.

A Benefit Fee Schedule and a Map of the Business Improvement Area are enclosed.

Downtown is the heart of Lodi. The Downtown Lodi Business Partnership, comprised of business owners, professionals and merchants, is a non-profit association developed to encourage growth and prosperity in the Downtown Community of Lodi. The value of downtown for its economic benefits, heritage and identity, benefits our entire community. A strong commitment by local government in conjunction with a well organized and active private sector is essential in keeping our efforts moving forward.

The calibration of the City's Finance Department and the Downtown Lodi Business Partnership; who levies annual assessments on businesses who reside within the benefit area, are the financial foundation of the organization. Additional funds are generated through fundraising, events and membership programs. The DLBP elects its own Board of Directors made up of fellow volunteer business owners, and is run by a staff of two, which includes an Executive Director and a part time assistant.

Since its inception, the Downtown Lodi Business Partnership has been instrumental in the tremendous growth and vibrancy of the downtown community. The DLBP plays an important role in economic development by partnering with the public and private-sectors to improve the overall viability of downtown Lodi. Relationships have been built with other Lodi entities and with the city. We have been the voice of downtown on various committees and contributed to numerous projects. The Downtown Lodi Business Partnership attends ribbon cuttings, events and social gatherings which make the organization more visible and has given us the opportunity to build relationships within the community.

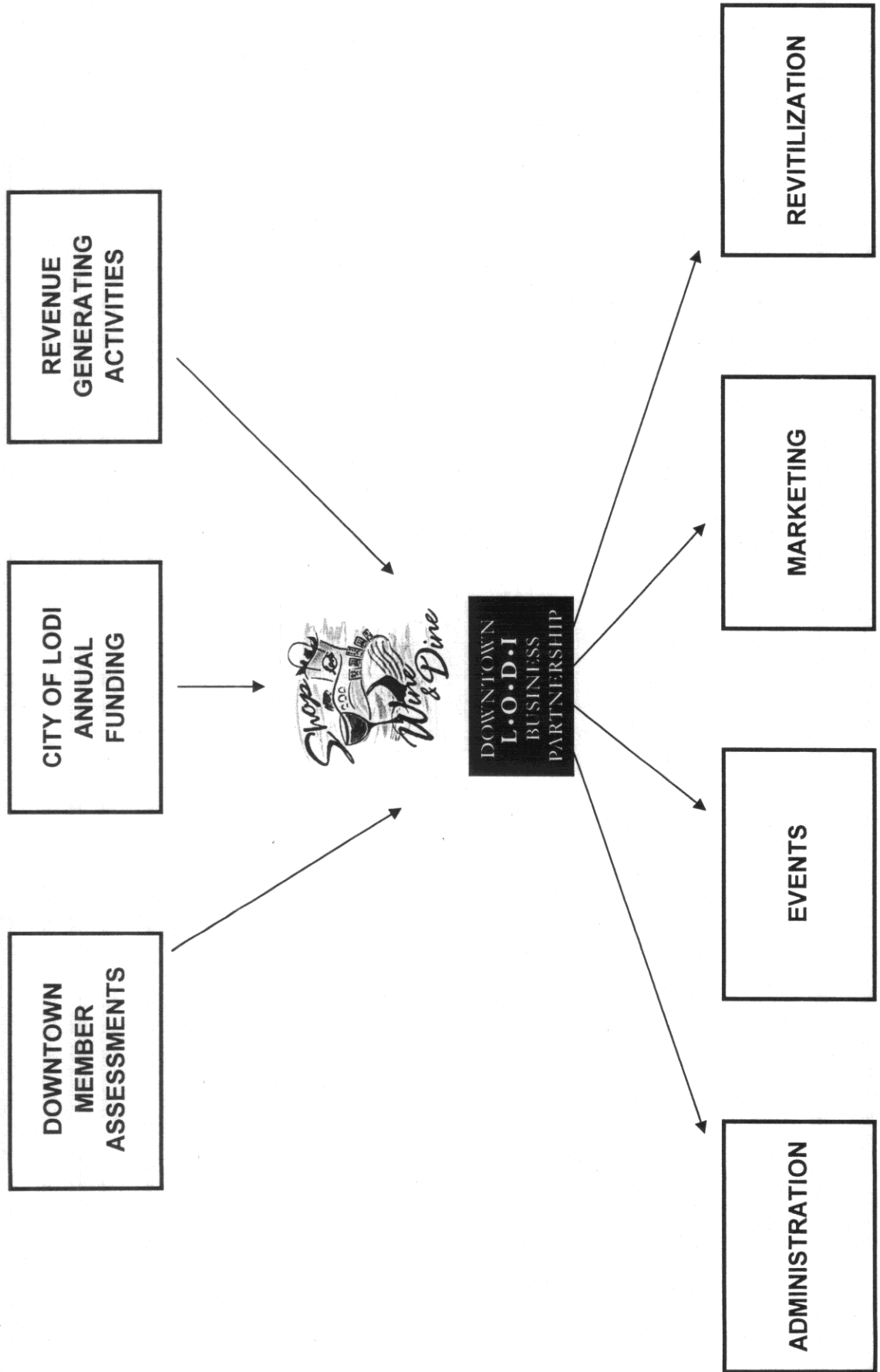
The Downtown Lodi Business Partnership uses marketing tools such as our website, tab insert in the Lodi News-Sentinel, press releases, radio public service announcements and media interviews to promote our signature events; Parade of Lights and Farmer's Market. We also provide community events and promotions such as; photos with the Easter Bunny, car shows, Grape Festival Youth Parade, horse-drawn carriage rides during the holiday season and photos with Santa. We will be adding more retail programs in effort to increase business for the merchants. A calendar of proposed events for the remainder of 2007 is enclosed.

The Downtown Lodi Business Partnership strives to make all of our programs and events self supporting through sponsorship, donations and fundraising.

Additionally, the Downtown Lodi Business Partnership implements visual streetscape improvements such as holiday décor, banners and signage. Recently we replaced all of the banners with a fresh look incorporating downtown's new image; Shop, Wine and Dine...downtown Lodi.

With our efforts and the city's continued support, downtown will continue to flourish and become a key destination that compares to no other.

Downtown Lodi Business Partnership Overview



**Downtown Lodi Business Partnership
Proposed Budget**

July 1, 2007 through June 30, 2008

Income

Assessment Fees	48500.00
City of Lodi	35300.00
Event Revenue	
Farmers Market	64000.00
Parade of Lights	10000.00
Banner Sponsorship Program	7000.00
Friends of Downtown	1500.00
Easter Promotion	600.00
Grape Festival Youth Parade	600.00
Octoberfest	1500.00
Winterfest	1000.00
Miscellaneous Events & Sales	<u>5000.00</u>

Total Income

175000.00

Expenses

Event Expenses	
Farmers Market	23000.00
Parade of Lights	3000.00
Banner Sponsorship Program	1000.00
Friends of Downtown	500.00
Easter Promotion	200.00
Grape Festival Youth Parade	200.00
Octoberfest	700.00
Winterfest	700.00
Miscellaneous Events & Sales	1000.00
Marketing Expenses	
Merchant Brochure & Kiosk Map	4000.00
Advertising & Promotions	15000.00
Mileage & Meetings	2600.00
Public Relations	3000.00
Marketing Campaigns	1600.00
Seminars	1500.00
Website	1500.00
Membership Expenses	
Newsletters	2500.00
Quarterly Mixers	500.00
Plaques & Trophies	500.00
Sunshine Committee	1500.00
Administrative	
Salaries & Wages	63000.00
Payroll Taxes	6000.00

Contract Labor	3000.00
Insurance	12000.00
Professional Fees	1000.00
Rent	6000.00
Storage	2000.00
Office Supplies	8000.00
Office Equipment	2500.00
Bank Fees	1000.00
Postage	1500.00
Telephone & Internet	<u>4500.00</u>
Total Expenses	175000.00
Net Income	0.00



David E. Vaughn CPA

(209) 957-8806, fax (209) 957-9559

2495 W. March Lane, Suite 75, Stockton, Ca. 95207-5207

INDEPENDENT ACCOUNTANT'S REPORT

To the Board of Directors
Downtown Lodi Business Partnership
(A Nonprofit Corporation)
Lodi, California

I have compiled the accompanying statement of financial position of **Downtown Lodi Business Partnership, (A Nonprofit Corporation)** as of December 31, 2006, and the related statements of activities and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. I have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

A handwritten signature in dark ink, appearing to read "David E. Vaughn", with a stylized flourish at the end.

March 14, 2007
Stockton, California

DOWNTOWN LODI BUSINESS PARTNERSHIP
(A Nonprofit Corporation)
See Accountant's Compilation Report

STATEMENT OF FINANCIAL POSITION
December 31, 2006

ASSETS

Current assets

Cash in bank	\$ 5,365
AIR - Assessments & other	11,200
AIR - City of Lodi support	<u>8,825</u>

Total current assets \$ 25,390

Furniture & equipment, net of accumulated
depreciation of \$ 7,141

6,487

Total assets \$ 31,877

LIABILITIES AND NET ASSETS

Current liabilities

Accounts payable	\$ 2,762
Accrued payroll & taxes	<u>1,216</u>

Total current liabilities \$ 3,978

Net assets

Net investment in furniture & equipment	\$ 6,487
Unrestricted	<u>21,412</u>

Total net assets \$ 27,899

Total liabilities and net assets \$ 31,877

See Notes to Financial Statements.

DOWNTOWN LODI BUSINESS PARTNERSHIP

(A Nonprofit Corporation)

See Accountant's Compilation Report

STATEMENT OF ACTIVITIES

Year Ended December 31, 2006

REVENUES

Member assessment fees		\$	36,160
City of Lodi support			39,975
Event revenue			
Farmers Market	\$	68,588	
Parade of Lights		9,560	
Banner program		4,675	
Other		6,805	89,628
Advertising revenue			7,000
Other income			1,415
Investment income			51
Total revenue		\$	<u>174,229</u>

EXPENSES

Event expense			
Farmers Market	\$	38,599	
Parade of Lights		3,066	
Banner program		3,565	
Other		9,777	\$ 55,007
Salaries & wages			55,494
Advertising			12,005
Insurance			9,825
Supplies			8,353
Other expenses			7,806
Penalties			6,207
Rent			5,960
Payroll taxes			5,515
Repairs & maintenance			3,371
Telephone			2,959
Promotions			2,937
Internet			2,080
Postage & delivery			1,502
Meetings			1,073
Depreciation			1,218
Total expenses		\$	<u>181,312</u>
Change in net assets		\$	(7,083)
NET ASSETS AT BEGINNING OF YEAR			<u>34,982</u>
NET ASSETS, END OF YEAR		\$	<u>27,899</u>

See Notes to Financial Statements.

DOWNTOWN LODI BUSINESS PARTNERSHIP

(A Nonprofit Corporation)

See Accountant's Compilation Report

STATEMENT OF CASH FLOWS

Year Ended December 31, 2006

Cash flows from operating activities	\$	(7,083)
Change in net assets		
Adjustments to reconcile operating income to net cash provided by operating activities		1,218
Depreciation		
Changes in assets and liabilities		12,735
(Increase) Decrease in receivables & prepaids		(4,903)
Increase (Decrease) in accounts payable & accruals		
Net cash provided by operating activities	\$	1,967
 Cash flows from investing activities	 \$	 (4,593)
Increase in fixed assets		-
Other investing activities		
Net cash used in investing activities	\$	(4,593)
 Net increase (decrease) in cash	 \$	 (2,626)
 Cash		 7,991
Beginning		
Ending	\$	5,365

See Notes to Financial Statements.

Downtown Lodi Business Partnership

(A Nonprofit Corporation)

See Accountant's Compilation Report

NOTES TO FINANCIAL STATEMENTS

Note 1. Nature of Business and Significant Accounting Policies

Operations and Program Description:

The Downtown Lodi Business partnership is a nonprofit membership corporation established in 1998 that manages the Downtown Business Improvement Area. The mission of the Organization is to encourage the development of new businesses, revitalize existing businesses, promote retail activity, and serve as an advocate for downtown Lodi businesses.

Basis of Accounting:

The accompanying financial statements have been prepared on the accrual basis of accounting. Members are assessed yearly and the support from the City of Lodi may vary from year to year.

Basis of Presentation:

The Organization has adopted (FAS-117) "Financial Statements of Not-for-Profit Organizations." Under FAS 117, the Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets. In addition, the Organization is required to present a statement of cash flows. At December 31, 2006 there were no restricted net assets. The unrestricted operating net assets represent revenues and expenses related to the operation and management of the Organization's primary programs and supporting services.

Furniture and Equipment:

Furniture and equipment are stated at cost. Donated equipment is stated at the estimated fair market value at the date of donation. Expenditures for improvements and equipment costing over \$500 are capitalized. Depreciation is computed on the straight-line method over the estimated useful lives of the assets as follows:

	Years
Furniture	7
Equipment	5

Estimates:

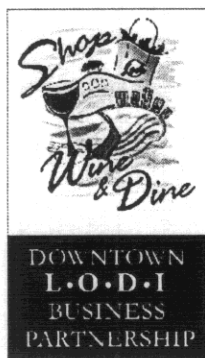
The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that effect the reported amounts of assets and liabilities and disclosure of contingent liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Taxes:

The Downtown Lodi Business Partnership is exempt under IRC Sec. 501(c)(6) of the IRS Code.

Allocation of Expenses:

The Organization allocates its expenses on a functional basis between its program and support services. Expenses that can be identified with specific programs and support services are allocated directly according to their natural classification. Any expenses that are common to several functions are allocated among the program and support services benefited. Approximately 19.7% of the expenses are general & administrative expenses and 80.3 % are program services expenses.



DOWNTOWN LODI BUSINESS PARTNERSHIP BENEFIT FEE SCHEDULE

BUSINESS TYPE	ZONE A	ZONE B
Retailers/Restaurants*	\$240 (1-3 Employees) \$360 (4-6 Employees) \$480 (7+ Employees)	\$120 \$180 \$240
Service Businesses	\$180	\$90
Professional Businesses	\$120	\$60
Financial Institutions	\$600	\$600

**Note: Retail and restaurant businesses are assessed based on the number of employees - either full-time, or the equivalent made up of multiple employees.*

BUSINESS TYPE DEFINITIONS:

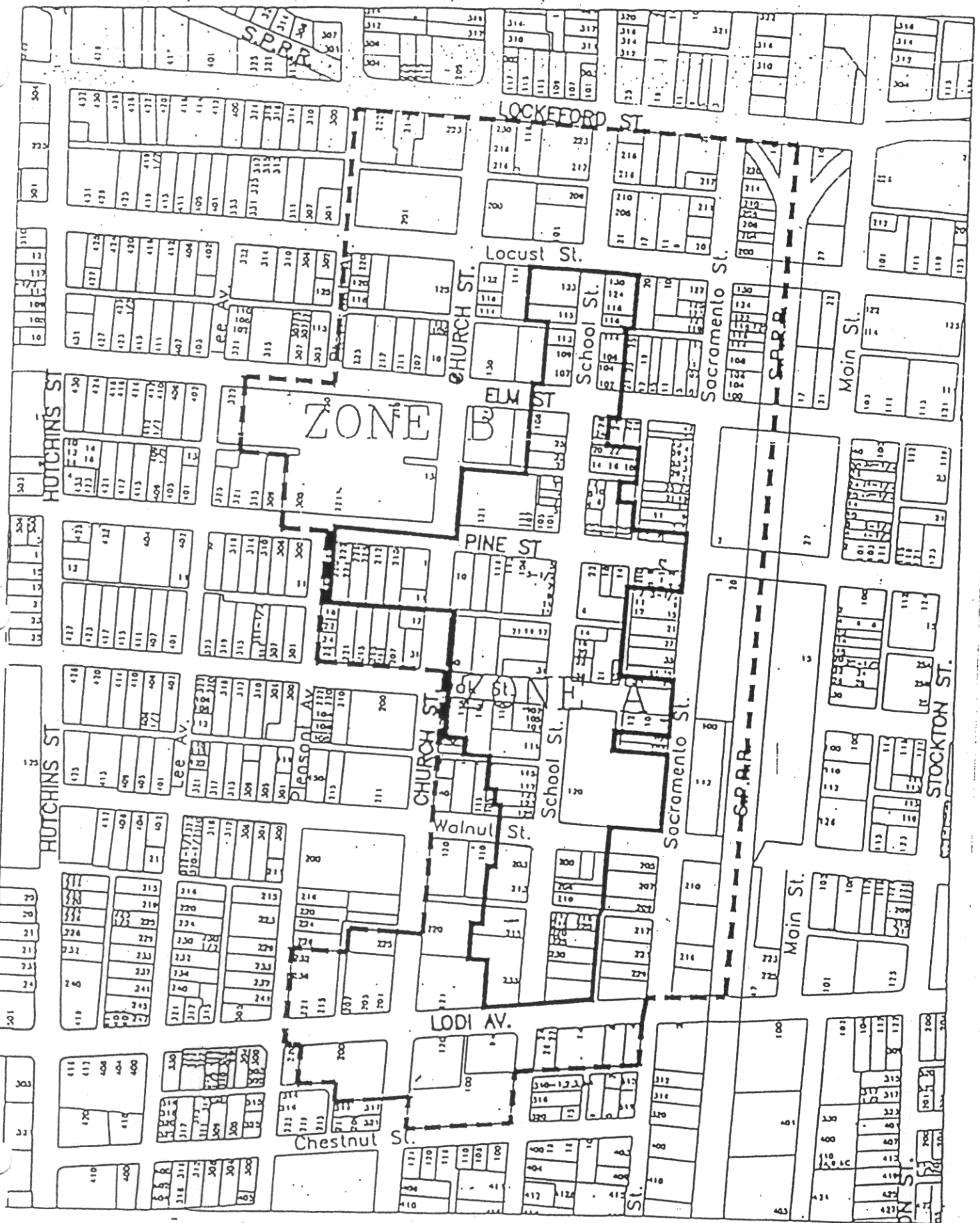
Retail and Restaurant – Businesses that buy and resell goods. Examples would be clothing stores, shoe stores, office supplies, as well as businesses that sell prepared food and drinks.

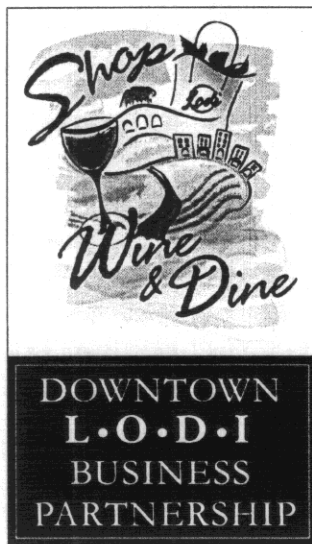
Service Businesses – Businesses that sell services. Examples are beauty and barber shops, repair shops, lodging, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Professional Businesses – Includes architects, engineers, attorneys, dentists, doctors, accountants, optometrists, realtors, insurance offices, mortgage brokers and most other businesses which require advanced or specialized licenses, and/or advanced academic degrees.

Financial Institutions – Includes banking and savings and loan institutions, as well as credit unions, etc.

Downtown Lodi Business Partnership
4 West Pine Street, Lodi, California 95240
209.369.8052 phone 209.369.8053 fax
www.downtownlodi.com





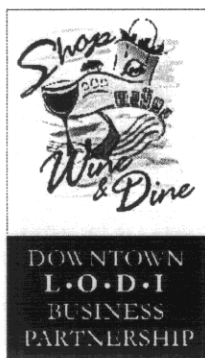
MISSION STATEMENT

The Downtown Lodi Business Partnership, comprised of business owners, professionals and merchants, is a non-profit association developed to encourage growth and prosperity in the Downtown Community of Lodi, and to maintain its economic health on an on-going basis.

This will be accomplished by:

- Encouraging development of new businesses, while retaining and revitalizing existing businesses
- Promoting retail activity by creating and maintaining a quality environment through coordinated advertising and Downtown events
- Serving as an advocate for Downtown businesses in dealing with local government, maintenance projects, the media and general public

4 West Pine Street, Lodi, Ca 95240
209.369.8052 phone 209.369.8053 fax
www.downtownlodi.com



DOWNTOWN LODI BUSINESS PARTNERSHIP 2008 MARKETING PLAN

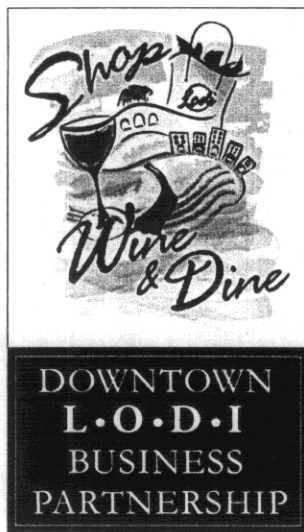
Objective:

Through advertising, events, and special merchant promotions that highlight our businesses and historic buildings and streets, the Downtown Lodi Business Partnership's marketing goal is to bring visitors and residents to Downtown.

Goals:

The main goal of the DLBP is to bring more customers and businesses to the downtown, therefore, increasing the tax base. The DLBP will work together with organizations such as the Conference and Visitors Bureau, Chamber of Commerce, Hutchins Street Square, Lodi-Woodbridge Wine Grape Commission, and the City of Lodi to develop collaborative events and promotions that will help market and promote not only Downtown Lodi, but the City of Lodi as well. The DLBP will continue to work on strengthening its relationship with the downtown merchants by offering a full program of services to our members:

- Quarterly newsletters
- Quarterly Member Meetings
- New Business Information Packets
- Parking and Safety Committee
- Marketing Committee
- Events Committee
- Sunshine Committee
- DLBP office staff to serve the membership and public
- Serve as an advisory advocate for the membership with the City of Lodi



2007 Downtown Calendar of Events

EVENT

DATE

Spring Sidewalk Sale	Saturday, March 31
Photos with Easter Bunny	Saturday & Sunday, March 31 & April 1
Cruisin' Lodi Rooftop Rumble	Saturday, June 2
Farmers Market & Festival	Thursdays, June 7 through September 27
Lodi Bike Show & Rally	Saturday, July 28
"Stuck in Lodi" Car Show	Saturday, August 4
70 th Annual Grape Festival Youth Parade	Saturday, September 15
Octoberfest	Saturday, October 6
Downtown Trick-or-Treat	Saturday, October 27
Winterfest Photos with Santa Free Carriage Rides Merchant Window & Lighting Display Contest	Saturdays, November 24 through December 15
Downtown Holiday Open House & Bizarre	Saturday, December 1
12 th Annual Parade of Lights	Thursday, December 6

Downtown Lodi Business Partnership
4 West Pine Street, Lodi, California 95240
209.369.8052 phone 209.369.8053 fax
www.downtownloidi.com

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LODI CONFIRMING THE 2008 ANNUAL REPORT FOR THE
DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO.
1 AND LEVY OF ASSESSMENT

=====

WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997, by Council adoption of Ordinance No. 1654; and

WHEREAS, the Annual Report, as required by Streets and Highways Code §36533, has been submitted to the City Council by the Board of Directors of said Improvement Area; and

WHEREAS, a public hearing was held as required by Streets and Highways Code §36524 on August 1, 2007, in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or as soon thereafter as possible, to consider protests to the assessment levy.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

- 1) The required public hearing was duly held, at which time the public was allowed to present written or oral protests to the levy of assessment for Downtown Lodi Business Improvement Area No. 1.
- 2) A majority protest as defined in the Streets and Highways Code §36525 was not made.
- 3) The 2007-08 Annual Report as submitted on July 18, 2007, by the Board of Directors of the Improvement Area to the City Council is hereby confirmed as originally filed and attached hereto.
- 4) The confirmation of the report and adoption of this resolution constitutes the levy of the assessment as contained in the Annual Report for the calendar year 2007.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING NOTICE TO CONSIDER ADOPTION OF RESOLUTION
LEVYING ANNUAL (2008) ASSESSMENT FOR DOWNTOWN LODI
BUSINESS IMPROVEMENT AREA NO. 1 AND CONFIRMING THE
DOWNTOWN LODI BUSINESS PARTNERSHIP 2007-08 ANNUAL
REPORT

PUBLISH DATE: SATURDAY, JULY 21, 2007


LEGAL AD

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, JULY 19, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 3:20 (time) on 7/19/07 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ JLT _____ DRC _____ JMP (initials)



DECLARATION OF POSTING

PUBLIC HEARING NOTICE TO CONSIDER ADOPTION OF RESOLUTION LEVYING ANNUAL (2008) ASSESSMENT FOR DOWNTOWN LODI BUSINESS IMPROVEMENT AREA NO. 1 AND CONFIRMING THE DOWNTOWN LODI BUSINESS PARTNERSHIP 2007-08 ANNUAL REPORT

On Friday, July 20, 2007, in the City of Lodi, San Joaquin County, California, a Public Hearing Notice to consider adoption of resolution levying annual (2008) assessment for Downtown Lodi Business Improvement Area No. 1 and confirming the Downtown Lodi Business Partnership 2007-08 Annual Report (attached and marked as Exhibit A) was posted at the following locations:


Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2007-147

EXHIBIT A

**A RESOLUTION OF INTENTION TO LEVY ANNUAL
ASSESSMENT FOR DOWNTOWN LODI BUSINESS
IMPROVEMENT AREA NO. 1, ESTABLISHING PUBLIC
HEARING DATE, AND APPROVING ANNUAL REPORT**

WHEREAS, Downtown Lodi Business Improvement Area No. 1 was established December 17, 1997, by Council adoption of Ordinance 1654; and

WHEREAS, the Annual Report, as required by Streets and Highways Code §36533, has been submitted to the Council by the Board of Directors of said improvement area.

NOW, THEREFORE, the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

1. Approved the Annual Report as submitted, said Report being on file with the City Clerk.
2. Establishes **August 1, 2007**, in the City Council Chambers, at Carnegie Forum, 305 West Pine Street, Lodi, California, at 7:00 p.m., or soon thereafter as possible, as the date, place, and time to hold the public hearing required by Streets and Highway Code §36534.
3. It is the intention of the City Council to levy and collect assessments within the parking and business improvement area for calendar year 2008 (the Area's fiscal year).
4. The boundaries of the entire area to be included in the Area and the boundaries of each separate benefit zone within the area are set forth in a Map, Exhibit D, incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Lodi.
5. The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the Area include marketing and promotional efforts; event coordination; and other activities with the goal to promote retail activities. A detailed description of activities is included in the Annual Report, Exhibit A, and incorporated by reference.
6. At the time of the public hearing, written and oral protests may be made. The form and manner of protests shall comply with Streets and Highways Code §§36524 and 36525.

Dated: July 18, 2007

I hereby certify that Resolution No. 2007-147 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 18, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and Mayor Johnson
NOES: COUNCIL MEMBERS – None
ABSENT: COUNCIL MEMBERS – Hitchcock
ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Receive Progress Report on the City of Lodi General Plan Update

MEETING DATE: August 1, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: Receive Progress Report on the City of Lodi General Plan Update

BACKGROUND INFORMATION: Early in 2006, the City Council directed the Community Development Department to begin the process for updating the City of Lodi General Plan. The existing General Plan was adopted in 1991 and it was designed to accommodate the City's development through the year 2007. Although the City has not reached the level of development or population growth anticipated in the 1991 General Plan, the City feels that a comprehensive General Plan update should be undertaken in order to provide a clear blueprint for future development in Lodi. On May 17, 2006, the City Council entered into a contract with the consulting firm of Dyett & Bhatia for contract services related to the update of the General Plan. Work has since been underway on the Plan.

Dyett & Bhatia has been engaged in the following activities as part of the General Plan Update process:

Stakeholder Interviews

The stakeholders interviews were completed and a report summarizing the findings published in April 2007. Following this publication, two additional interviews (with members of the Lodi Historical Society, who were unable to attend the previous meetings) were completed in the last week of June. These interviews will be incorporated in an updated stakeholders report that should be available in the next few weeks.

Community Workshop #1

The first public workshop was held on June 13 at the Hutchins Street Square, and was attended by approximately 50 community members. Participants engaged in small group visioning and brainstorming on issues. A report summarizing the results of the workshop is being completed and should be available by early August.

Community Survey

A newsletter and postage-prepaid mail-back survey was sent to all households in the City in early June. The newsletter and the survey were bilingual (English and Spanish). 877 completed surveys have been received as of the cut off date of July 13, 2007 (over 1 month was allocated to receive surveys). All responses are being individually coded; approximately 600 surveys have been coded and work is

APPROVED: _____
Blair King, City Manager

underway on the remainder. A report on the survey findings will be available toward the latter half of August.

Working Papers

Four working papers, which aim to diagnose the major opportunities and challenges Lodi is facing, are underway; they are all nearly finished and will be released in August. Following are the Working Papers:

Working Paper #1 Greenbelt Conservation

This paper focuses on the issues specific to the greater Lodi-Woodbridge area. Successful strategies that have worked elsewhere in the state in the context of wine production will be presented (such as conservation easements, transfer of development rights, and zoning techniques specific to agriculture/viticulture in Sonoma, Napa, South Livermore, and elsewhere in San Joaquin County). Also, this paper will examine the kinds of uses permitted in agricultural areas in these places.

A draft of the paper has been completed, which is currently being reviewed by staff.

Working Paper #2 Land Use, Transportation, and Environmental Resources

This report will provide a descriptive profile of the City's existing conditions—land use, transportation, parks and open space, agricultural and soil resources, biological resources, cultural resources, energy and mineral resources, hydrology and water quality, air quality, natural hazards, hazardous materials, and noise. This report will contribute to the framework of critical issues and challenges impacting the city to be addressed by the updated General Plan.

A complete draft of this paper has been completed and will be shortly submitted to staff. Following staff review, the paper is expected to be released mid-August.

Working Paper #3 Growth and Economic Development Strategy

This working paper will present growth trends, likely demand for various land uses (including retail demand by segment), and opportunities, challenges, and possibilities for their future arrangement in Lodi, market conditions, and taxable sales performance of retail shopping establishments. It will examine issues related to jobs/employment skills and housing match and the potential role tourism can play, and how land use policies can effect that role. Topics covered include population and demographics, existing business and employment characteristics and trends, retail and visitor services, existing economic development programs, and potential growth and development strategies.

A draft of this paper is complete and has just been submitted to staff, with public release targeted for mid-August.

Working Paper #4 Urban Design and Livability

This fourth working paper will diagnose and address the urban design and livability conditions in Lodi. Topics to be examined include the City's accessibility and connections, community and neighborhood design, streetscapes, urban form, city evolution, densities and intensities on the lot, neighborhood, and city scales. It will also evaluate the design and development standards, draft zoning ordinance, and existing subdivision plans.

This will be the last of the working papers to be completed, with release by August end.

City Council Review of Working Papers and Survey Results

The first phase of the project (assessment of background conditions as well as initial outreach and community visioning) will be completed in August. This will feed into the next phase of the project—land use and transportation alternatives.

It is imperative that decision-makers review the Working Papers and Reports on the workshop #1 and community survey in perhaps three meetings (or two longer meetings). After these Papers and Reports are distributed to Council and Planning Commission, review meetings will be scheduled. While no City Council decisions are required at this stage of the planning process, decision-maker review and comments will help set the stage for the alternatives.

Schedule

The upcoming key dates are:

- Working Papers—All working papers to be completed and released by August.
- Survey—Report to be completed late August.
- Decision-maker review of materials—September.
- Alternatives—August through November.
- Preferred Plan—Spring 2008.
- Draft Plan—end of Summer 2008.

FISCAL IMPACT: No fiscal impact.

FUNDING AVAILABLE: The cost of the above work is included in the contract for the General Plan Update authorized previously by the City Council.

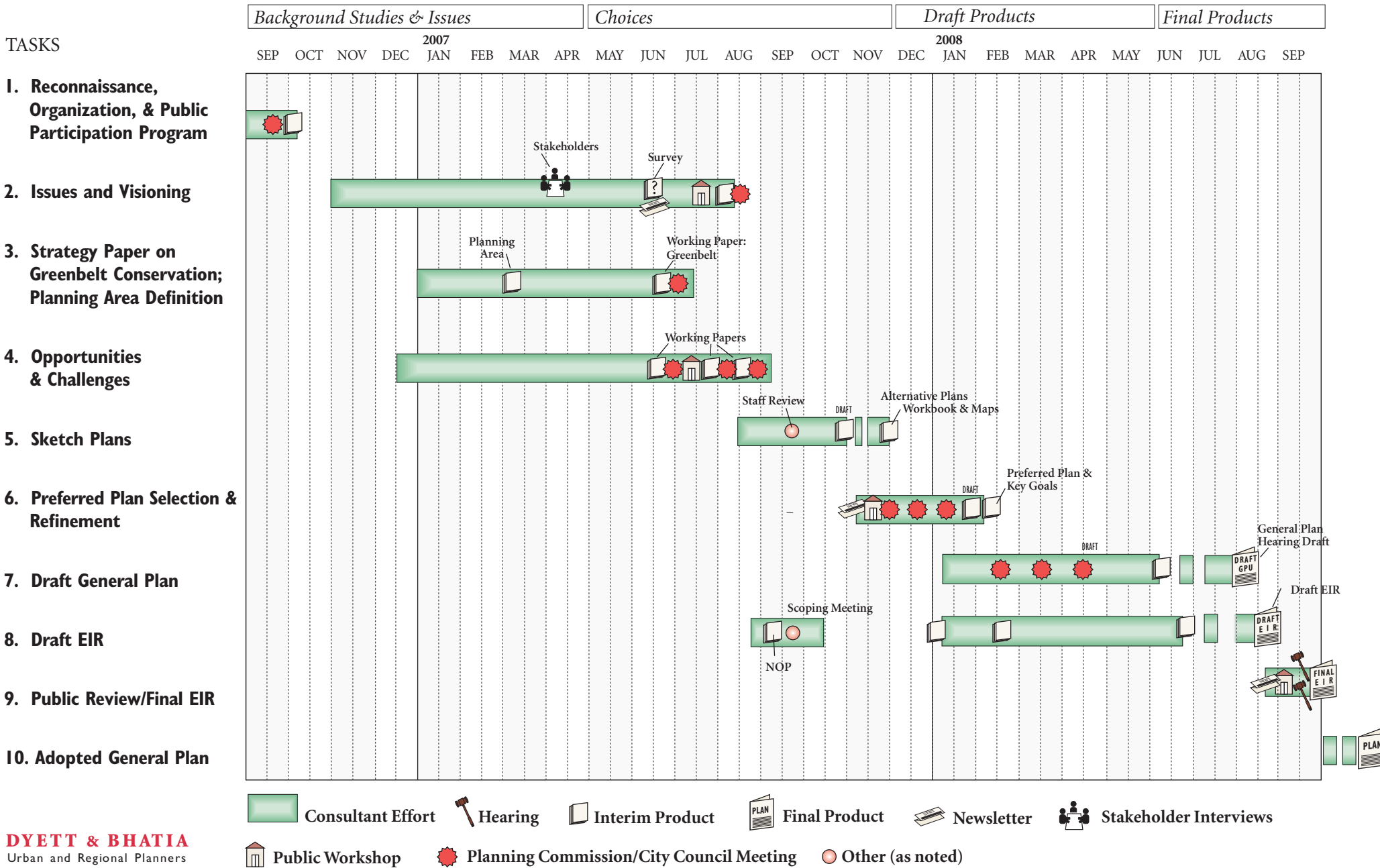
Kirk Evans, Budget Manager

Peter Pirnejad
Planning Manager

Randy Hatch
Community Development Director

Attachments: Latest Schedule

Proposed Schedule for the City of Lodi General Plan Update and EIR



DYETT & BHATIA
Urban and Regional Planners

July 20, 2007



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Consider a Request from Van Ruiten Family Winery to Waive a \$40,000 Late Performance Charge Associated with the Opening of a Downtown Tasting Room

MEETING DATE: August 1, 2007

PREPARED BY: City Manager

RECOMMENDED ACTION: Grant a request from Van Ruiten Family Winery to waive a \$40,000 late performance fee related to the opening of its downtown tasting room the cellardoor.

BACKGROUND INFORMATION: On June 15, 2005, the City Council approved a Memorandum of Understanding with Van Ruiten Family Winery to allow the winery to connect to the City's industrial wastewater system in exchange for opening a downtown wine tasting room. The agreement recommended that if Van Ruiten winery does not open a tasting room within 18 months of making a connection to the wastewater system, that a fee of \$40,000 be paid for downtown development. The fee was intended to provide an incentive to insure that the tasting room was opened.

During its deliberations, the Council chose to reduce the 18 months to 12 months and retain the \$40,000 penalty.

On November 17, 2005, Van Ruiten connected to the wastewater system. On April 12, 2007, the cellardoor opened at 21 School Street fulfilling Van Ruiten Winery's obligation for a downtown tasting room under the agreement, 17 months after making the connection. Other than timing, Van Ruiten has performed in all other aspects of the agreement.

The agreement achieved the desired results. An attractive downtown tasting room has opened. The cellardoor is achieving a reputation as an outlet for three well known local wineries and a location for pre and post dinner events.

Van Ruiten has been informed of the penalty. Attached is a letter from Van Ruiten Family Winery General Manager Bill Rogan requesting the \$40,000 late fee be waived.

The City incurred no costs related to any delay. Van Ruiten has paid all fees and charges, including a surcharge of 150 percent of wastewater costs.

APPROVED: _____
Blair King, City Manager

FISCAL IMPACT: If the fee is waived the City will forgo \$40,000 in revenue. However, the City has incurred no costs that have not been recovered. All capacity charges have been paid and Van Ruiten is being charged a rate 150 percent higher than the City's standard published rate for industrial waste. The cellardoor is open and is contributing to the vibrancy of downtown.

Blair King, City Manager

Attachments



VAN RUITEN FAMILY WINERY

JUL 09 2007
CITY MANAGER'S OFFICE

July 9, 2007


Mr. Blair King
Office of City Manager
City Hall, 221 W. Pine St.
Lodi, CA 95240

Dear Blair:

In response to your letter dated June 19, 2007, I am requesting an appeal to the \$40,000 fine in accordance with the Memorandum of Understanding between the City and Van Ruiten Winery. Our winery had every intention of opening a downtown tasting room within a 12 month window, however, many obstacles came into play once the location was found. The downtown space we chose is owned by F&M Bank. When we signed the lease, it was an empty building that needed a lot of renovation and work in order to pass city and fire codes. We also had delays in construction due to water leaks that needed to be reviewed and approved for repair by F&M Bank.

At this time, I am asking the City to wave the \$40,000 fee. I realize our opening went past the 12 month timeframe, but we were within the original 18 month timeline of the draft agreement. Van Ruiten Winery would appreciate the City Council's understanding in this matter and consider the wonderful addition the Cellardoor has made to downtown.

Sincerely,


Bill Rogan
General Manager

**Van Ruiten Winery
Industrial Waste Connection Memorandum of Understanding**

THIS AGREEMENT is entered into this 7th day of June, 2005, (the "Effective Date"), between Van Ruiten Family Winery, LLC ("Winery") and the CITY OF LODI, a municipal corporation organized and existing under the laws of the State of California ("City").

RECITALS

This Agreement is predicated upon the following findings:

A. Winery is the owner of a Wine Production Facility located at 340 W. Highway 12, San Joaquin County, California which is outside the corporate limits of the City of Lodi. Winery intends to submit an application to connect and discharge their Industrial Waste to the City's Industrial Waste line. ("Project")

B. Lodi's current municipal code prohibits wastewater service to facilities or properties outside the city limits. (LMC 13.12.150) The City is willing to consider amending its Code to permit acceptance of Winery's Industrial Wastewater based on the terms and conditions of this agreement.

C. The Parties acknowledge that the California Environmental Quality Act may require Environmental Review of this project and that this agreement is not a connection agreement, and does not commit them to enter a connection agreement at some later date, absent compliance with the California Environmental Quality Act.

D. The Parties further acknowledge that a municipality cannot contractually bind itself to amend its municipal code and that this agreement does not bind the City to do so.

E. The Parties finally acknowledge that the connection may be subject to review, condition and approval of the California Regional Water Quality Control Board.

NOW THEREFORE, the parties agree as follows:

1. Definitions. Unless otherwise defined in this agreement, all capitalized terms will have the definitions ascribed to them in Lodi Municipal Code Section 13.12.020.
 - a. "Downtown Lodi" means the area bordered by Church Street, Lodi Avenue, Union Pacific Railroad and Lockeford Street.
2. Consideration of Connection. Lodi will consider amending its Municipal Code to permit Winery to connect to the City's Industrial Waste line on the terms and conditions set forth in this agreement.

3. Terms of Connection. Any connection permitted pursuant to the Agreement shall contain the following minimum terms:
- a. Permit: Winery shall comply with the terms of the Industrial System Discharge Permit to be issued by the City which will include but not be limited to limitations on maximum flow, BOD, ph, TDS and suspended solid concentrations and prohibitions on discharge of hazardous waste in conformance with the City's NPDES Permit.
 - b. Average Daily Flow: Average Daily Flow shall not exceed 1.1 million Gallons per Year at 9,000 mg/L BOD (11,000 mg/L maximum).
 - c. Rate/Surcharge: Winery's rate for discharge shall be set at 150 percent of the City's standard published rate for Industrial Waste.
 - d. Capacity Charge: Winery shall pay a one-time capacity charge based on annual flow and BOD loading prior to connection. Current rates are \$6,260.67 per Million Gallons capacity and \$131.80 per 1,000 lbs of BOD. These rates are subject to change and will be set at the time Winery submits its application to connect to the Industrial Waste line. In addition, applications by Winery for increases in permitted capacity will, if granted, be charged at then current rates.
 - e. Non-Assignment: Winery may not sell capacity or accept wastewater from other locations.
 - f. Downtown Tasting Room: Winery shall open and operate a tasting room in Downtown Lodi during the entire term of its connection to the City's sewer system. The tasting room shall be operated within the following minimum requirements:
 - i) The tasting room shall be at least 500 square feet and have wine available for tasting and sale, wine related merchandise for sale and be open a minimum of 40 hours per week, including Saturday and Sunday.
 - ii) If this condition cannot be met within twelve months of connection, Winery shall pay an annual downtown development and promotional in-lieu fee in the amount of \$40,000.00. The fee shall be retroactive for one year and shall be assessed annually (until such time as the requirements of subsection i of this paragraph has been satisfied) as annually adjusted according to the Bay Area-All Items Consumer Price Index. If condition i above cannot be met within six years of connection, this Agreement will terminate and Winery will be required to make alternate arrangements for its wastewater.
 - g. Annexation. Winery, in consideration for receiving City sewer service, will consent to the annexation to the City of Lodi of the subject property, waives any right to protest the annexation and assigns to the CITY any right to vote on the annexation. Annexation shall occur when and if the

CITY deems the annexation of the subject property feasible and advisable. In the event the annexation is sought by Winery, Winery agrees to pay CITY an amount to cover the subject property's proportionate share of the costs to conduct the annexation. In the event that the Winery does ultimately connect to City service, Winery agrees to enter into a short form memorandum of agreement expressing the obligations of this paragraph in recordable form.

4. Binding Effect of Agreement. Winery's obligations under paragraph three of this Agreement will only be triggered if 1) the Lodi Municipal Code Section is amended to permit Winery to connect to the Industrial Sewer Line; and 2) All other approvals necessary to secure the connection are secured. All other obligations.
5. Reimbursement. Winery shall reimburse the City for all costs incurred by the City in connection with the Project including but not limited to costs associated with securing environmental review of the project, securing California Regional Water Quality Control Board approval of the project, implementing mitigation measures required by the California Environmental Quality Act, and complying with requirements of the Regional Water Quality Control Board in excess of current standards. The City will provide Winery with an estimate of these costs in advance of connection. Winery shall deposit the estimate with the City within 30 days of receiving the estimate. City will bill all costs against the deposit. In the event the deposit is exceeded, Winery shall pay the difference to the City within 30 days of notice. Any excess will be refunded to Winery within 30 days of connection.
6. Construction. Winery shall be solely responsible for acquiring the right of way, permits and constructing the lateral line to connect to Lodi's Industrial Waste line. Once constructed, Winery shall remain solely responsible for the maintenance and repair of its lateral.
7. Relationship of Parties.
 - a. It is understood that the contractual relationship between the City and Winery is such that Winery is an independent contractor and not the agent of the City; and nothing herein shall be construed to the contrary.
 - b. City and Winery agree that nothing contained herein or in any document executed in connection herewith shall be construed as making Winery and City joint venturers or partners.
 - c. This Agreement is made and entered into for the sole protection and benefit of the parties and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.
8. No Entitlements Granted. Nothing in this Agreement shall provide Winery with any right to secure approval of any connection or other entitlement. In addition,

Winery agrees that it will have no rights to: select the Environmental Review Consultant, if one is required; or direct the work, response times, recommendations or approvals of the Consultant.

9. Notices. All notices required or provided for under this Agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the principal offices of the City and Winery and its representative and Winery's successors and assigns. Notice shall be effective on the date it is delivered in person, or the date when the postal authorities indicate the mailing was delivered to the address of the receiving party indicated below:

Notice to City: City of West Lodi
City Manager
221 W. Pine St
Lodi, CA 95240

Notice to Winery: Van Ruiten Family Winery, LLC
340 West Highway 12
Lodi, CA 95242

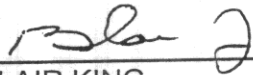
10. Indemnification, Defense and Hold Harmless.

- a. Winery agrees to and shall indemnify, defend and hold the City, its council members, officers, agents, employees and representatives harmless from liability for damage or claims of damage, for personal injury, including death, and claims for property damage which may arise from this agreement.
- b. Winery's obligation under this section to indemnify, defend and hold harmless the City, its council members, officers, agents employees, and representatives shall not extend to liability for damage or claims for damage arising out of the sole negligence or willful act of the City, its council members, officers, agents, employees or representatives. In addition, Winery's obligation shall not extend to any award of punitive damages against the City resulting from the conduct of the City, its council members, officers, agents, employees or representatives.
- c. With respect to any action challenging the validity of this Agreement or any environmental, financial or other documentation related to approval of this Agreement, Winery further agrees to defend, indemnify, hold harmless, pay all damages, costs and fees, if any incurred to either the City or plaintiff (s) filing such an action should a court award plaintiff(s) damages, costs and fees, and to provide a defense for the City in any such action.

IN WITNESS WHEREOF this Agreement has been executed by the parties on the day and year first above written.

CITY OF LODI, a municipal corporation

VAN RUITEN FAMILY WINERY, LLC



BLAIR KING
City Manager




By: John Van Ruiten
Its: Owner

ATTEST:



SUSAN J. BLACKSTON
City Clerk

APPROVED AS TO FORM:



D. STEPHEN SCHWABAUER
City Attorney
Janice Magdich, Deputy



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Declaring the City of Lodi's Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness for Wastewater Projects

MEETING DATE: August 1, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt a resolution declaring the City of Lodi's intent to reimburse certain expenditures from proceeds of indebtedness for wastewater projects.

BACKGROUND INFORMATION: The City of Lodi has entered into the Phase 3 construction project of the White Slough Water Pollution Control Facility, which is necessary to meet current and anticipated State of California regulatory requirements and improve treatment process reliability.

The City is also planning to rehabilitate approximately five (5) miles of the Domestic Outfall Pipeline, a 48-inch diameter reinforced concrete pipe initially installed during the late 1960's. The Phase 3 project is underway and the intended financing will be needed to pay for final project costs. Staff anticipates the initial phases of the pipelines work to commence in 2008. In order to recapture what are deemed as reimbursable expenses from future bond proceeds, it is necessary for the Council to adopt a resolution declaring this intent.

The resolution does not commit the City to make any expenditures, incur any indebtedness, seek other financing means, or proceed with the project. The resolution only provides the City with the ability to seek reimbursements for already incurred and future cost should the City proceed with Certificates of Participation in the future. This resolution is solely for the purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations.

FISCAL IMPACT: The City's Financial Advisor, Tom Dunphy, has recommended taking this step, but he is also assisting the City in looking at alternatives to COP financing.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Rebecca Areida, Management Analyst II
RCP/RA/pmf

cc: Stephen Schwabauer, City Attorney
Charles Swimley, Water Services Manager
Tom Dunphy

APPROVED: _____
Blair King, City Manager

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING
ITS INTENT TO REIMBURSE CERTAIN EXPENDITURES
FROM PROCEEDS OF INDEBTEDNESS

=====

WHEREAS, the City of Lodi (the "City") owns and operates a wastewater system (the "System") serving the City and its inhabitants; and

WHEREAS, the City intends to acquire, install and construct additions, replacements and improvements to the System, including outfall relocation, secondary plant improvements, a treatment wetland and other improvements (the "Project"); and

WHEREAS, the City expects to pay certain expenditures (the "Reimbursement Expenditures") in connection with the Project prior to the issuance of indebtedness for the purpose of financing costs associated with the Project on a long-term basis; and

WHEREAS, the City reasonably expects that debt obligations in an amount not expected to exceed \$28,000,000 will be issued in connection with the Project and that certain of the proceeds of such debt obligations will be used to reimburse the Reimbursement Expenditures; and

WHEREAS, proceeds of such debt obligations will be allocated to reimbursement expenditures no later than 18 months after the later of (i) the date the cost is paid, or (ii) the date the Project (or each component thereof) is placed in service or abandoned (but in no event more than three years after the cost is paid).

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

Section 1. The City finds and determines that the foregoing recitals are true and correct.

Section 2. The City hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures.

Section 3. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

Section 4. This resolution shall take effect from and after its adoption.

Dated: August 1, 2007

=====

I hereby certify that Resolution No. 2007-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk

2007-_____



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Authorize Funds from the Protocol Account for the City Council to Host a Reception Honoring Members of Council-appointed Boards, Commissions, Committees and Task Force Groups (Approximately \$2,600 / \$20 per person)

MEETING DATE: August 1, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council, pursuant to Resolution No. 2000-126, authorize an expenditure of funds from the Protocol Account and direct the City Clerk to coordinate the Council-hosted reception honoring members of all City Council appointed boards, commissions, committees, and task force groups.

BACKGROUND INFORMATION: The City Clerk's Office traditionally coordinates an annual event hosted by the City Council to extend its appreciation to citizens who generously volunteer their time and talents toward serving their community.

The proposed format for this year's event will be a reception at Hutchins Street Square ~ Crete Hall. The event is scheduled for Thursday, August 30, 2007, from 6:00 to 8:00 p.m.

History of costs related to this event:

2000	\$5,000	2003	\$5,900
2001	\$5,500	2004	\$5,500
2002	\$6,000	2005	\$2,400

The 2006 event cost was \$2,600. The event for 2007 is anticipated to be similar in size, venue and format to the previous year's event.

Reception at Crete Hall, Hutchins Street Square \$20 per person x 130 persons = *\$2,600
**Includes: Invitations, catering services, food, beverages, rentals, decorations, and security*

FISCAL IMPACT: \$12,000 has been appropriated in the Protocol Account for fiscal year 2007-08, from which the cost of this event will be deducted.

FUNDING: \$2,600 from Protocol Account 100120

 Randi Johl
 City Clerk

APPROVED: _____
 Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1800 Entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, ‘Vending on Streets and Sidewalks,’ by Repealing and Reenacting Chapter 9.18, ‘Vending on Streets, Sidewalks, and Private Property’”

MEETING DATE: August 1, 2007

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1800.

BACKGROUND INFORMATION: Ordinance No. 1800 entitled, “An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 9 – Public Peace, Morals, and Welfare – Chapter 9.18, ‘Vending on Streets and Sidewalks,’ by Repealing and Reenacting Chapter 9.18, ‘Vending on Streets, Sidewalks, and Private Property,’” was introduced at the regular City Council meeting of July 18, 2007.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov’t Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov’t Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Randi Johl
City Clerk

RJ/jmp

Attachment

APPROVED: _____
Blair King, City Manager

ORDINANCE NO. 1800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE TITLE 9 – PUBLIC PEACE,
MORALS, AND WELFARE – CHAPTER 9.18, “VENDING ON
STREETS AND SIDEWALKS,” BY REPEALING AND
REENACTING CHAPTER 9.18, “VENDING ON STREETS,
SIDEWALKS, AND PRIVATE PROPERTY”

=====

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI
AS FOLLOWS:

SECTION 1. Lodi Municipal Code (LMC) Title 9 – Public Peace, Mbrals, and Welfare –
Chapter 9.18, “Vending on Streets and Sidewalks,” is hereby repealed and reenacted to
read as follows:

Chapter 9.18 VENDING ON STREETS, SIDEWALKS, AND PRIVATE PROPERTY

9.18.010 Declaration of Purpose

The City Council expressly finds that the vending of produce and prepared or
prepackaged foods, goods, wares, and/or services on public streets, sidewalks, or alleys and on
private property pose unsafe conditions and special dangers to the public health, safety, and
welfare of the residents of the City of Lodi. It is the purpose and intent of the City Council, in
enacting this Chapter, to provide those persons who engage in those types of vending
operations with clear and concise regulations to prevent safety, traffic, and health hazards, as
well as to preserve the peace, safety, and welfare of the community.

9.18.020 Definitions

- A. “Business Owner” shall mean any person, firm, or corporation, which owns or
controls any interest in any business engaged in vending as defined in
Subsection H hereof.
- B. “Commissary” shall mean a food establishment in which food, containers,
equipment, or supplies are stored or handled for use in Motorized Food Wagons
or Conveyance.
- C. “Conveyance,” as used in this Chapter, means any vehicle (except Mtorized
Food Wagons, as defined below), trailer, cart, wagon, or stand, with or without
wheels, which may be moved from one place to another under its own power or
by other means.
- D. “Linear Frontage” is the method used to determine distances as used in this
Chapter.
- E. “Mobile Food Vendor” shall mean any person as defined in this Chapter, who
owns, controls, manages, and/or leases a Motorized Food Wagon or
Conveyance; and/or contracts with a person(s) to drive, operate, prepare foods,
and/or vend from a Motorized Food Wagon or Conveyance.

- F. "Motorized Food Wagon" shall mean any vehicle as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind on any public street, alley, highway, or private street, alley, or property within the City of Lodi. For the purposes of this Chapter, a Motorized Food Wagon shall also include any trailer or wagon pulled by a vehicle.
- G. "Persons" shall mean any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of Motorized Food Wagons and Conveyances.
- H. "Vend" or "Vending" shall mean the sale of any goods, wares, merchandise, prepared, pre-packaged, or unprepared, unpackaged food or foodstuffs of any kind from private or public property. Vending from a Motorized Food Wagon generally has the following characteristics:
 - 1. Food is ordered and served from a take-out counter that is integral to the Motorized Food Wagon and there is typically a space for customer queuing;
 - 2. Food is paid for prior to consumption;
 - 3. Food and beverages are served in disposable wrappers, plates, or containers; and
 - 4. Food and beverages are prepared and sold for off-site consumption.

Vending from a Conveyance generally has the following characteristics:

 - 1. Food is paid for prior to consumption;
 - 2. Food and beverages are served in disposable wrappers, plates, or containers; and
 - 3. Food and beverages are prepared and sold for off-site consumption.
- I. "Vendor"/"Operator" shall mean any person who sells and makes immediate delivery, or offers for sale and immediate delivery, any goods, wares, or merchandise, or drives, operates, vends, and/or prepares food on or from a Motorized Food Wagon or Conveyance.

9.18.030 Regulation of Sales

It shall be unlawful for any person to Vend, or attempt to engage in Vending or operate any vehicle or conduct any business for the purpose of Vending from any vehicle, Motorized Food Wagon, or Conveyance parked, stopped, or standing upon any public street, alley, highway, or property, or private street, alley, or property within the City of Lodi except in accordance with all applicable provisions of this Code.

9.18.040 Permit to Operate

A person desiring to engage in a vendor operation, as defined by this Chapter, shall submit a written application for a Permit to Operate in a form acceptable to and with all supporting information required by the City of Lodi. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount as may be established by Resolution of the City Council. Any such permit shall be required to be renewed annually and a separate non-refundable, non-transferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. There must be at least one Vendor with a valid permit present whenever Vending is taking place.

- A. A Vendor must obtain a background check in accordance with the requirements of Section 9.16.030 of this Code.
- B. Every Vendor shall obtain a City of Lodi Business Tax Certification.
- C. As part of the Permit to Operate application, the Vendor or Business Owner shall provide the following:
 - 1. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity.
 - 2. Four photographs (showing different exterior views) of each Motorized Food Wagon or Conveyance.
 - 3. A copy of a current San Joaquin County Environmental Health permit for any food service vending operation.
 - 4. A copy of the Vendor or Business Owner's current Business Tax Certification and applicable Board of Equalization Seller's Permit.
 - 5. For Mobile Food Vendors, Business Owners must show proof of payment to a Commissary for the prior twelve (12) months for all cases involving the reissuance of a Permit; and proof of current payment for new Vendors.
 - 6. If the Vendor is operating on private property, the Business Owner shall provide the following:
 - a. an affidavit in a form approved by the City from the property owner (if other than self) permitting the Vendor to locate on the site;
 - b. a Site Plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed Vending activity, structures, and improvements related to the Vending activity will be located upon the site; and
 - c. in the case of Mobile Food Vendors, an affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available to the Mobile Food Vendor.
- D. The following may constitute grounds for denial of a Permit to Operate:
 - 1. The Vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations under State law and this Code;
 - 2. The applicant is unable to obtain the required Peddler's license, pursuant to LMC Section 9.16.030 due to a criminal background check;
 - 3. The applicant has, within three (3) years immediately preceding the date of filing of the Application, had a Permit to Operate, Peddler's License, or related permit, which was issued within the State of California, suspended or revoked;

4. The applicant has knowingly made a material misstatement in the Application for a Permit to Operate;
 5. There have been excessive calls for service to the Lodi Police Department within the twelve (12) months preceding the Application with inadequate response by the Vendor or Business Owners or operators, involving the commission of crimes, disturbances, public nuisances, or applicable LMC violation investigations, which are located, committed, or generated on the premises of the Vending operation.
 6. Failure to obtain clearance from San Joaquin County Environmental Health.
- E. As an alternative to a denial of a Permit to Operate for failure to meet the requirements of this Chapter, the City Manager or designee may issue a Conditional Permit to Operate. Said Conditional Permit to Operate shall be issued with conditions imposed on the operation of the premises. All conditions shall be complied with in order to maintain the Conditional Permit to Operate in a valid status. Failure to comply with the imposed conditions will subject the Conditional Permit to Operate to suspension and/or revocation procedures under this Chapter or any other remedy authorized by law.

9.18.050 Location

- A. A Vendor may locate and operate in the public right-of-way subject to the following conditions:
1. A Vendor shall not operate within three hundred (300) feet of any school grounds, park, playground, or City operated recreation center.
 2. A Vendor shall not operate within one hundred (100) feet of any street intersection.
 3. In addition to the above, a Vendor must comply with the following regulations, depending upon the type of use in which it is located:
 - a. Residential Use Area:
 - i. In a Residential Use Area, a Vendor shall move not less than four hundred (400) feet at least every ten (10) minutes and may not return to a previous location or within four hundred (400) feet of a previous location on the same calendar day.
 - ii. Permitted hours of operation are from 7:00 a.m. to 8:00 p.m.
 - iii. A Vendor may not be located within four hundred (400) feet of another Vendor.
 - b. Commercial Use Area:
 - i. In a Commercial Use Area, a Vendor shall move not less than four hundred (400) feet at least every three (3) hours and may not return to a previous location or within four hundred (400) feet of a previous location on the same calendar day.

- ii. Permitted hours of operation are from 6:00 a.m. to 12:00 a.m.
- iii. If a Vendor is located in a Commercial Use Area and is within four hundred (400) feet of a residence, Vendor shall comply with the requirements listed above for Residential Use Area.
- c. Industrial Use Area:
 - i. In an Industrial Use Area, a Vendor may operate twenty-three (23) hours a day.
 - ii. If a Vendor is located in an Industrial Use Area and is also within four hundred feet (400) feet of a residence, it shall comply with the requirements listed above for Residential Use Area.
- 4. No Vendor shall be located or maintained on public property, including bicycle pathways, inconsistent with any provision of this Code.

B. A Vendor may locate on private property subject to the following conditions:

- 1. Incidental to a primary use with the primary use having a valid City of Lodi Business Tax Certification;
- 2. A Vendor shall not be the primary use of a parcel unless that parcel is developed in accordance with the standards of the City's Development Code for that use and the zoning designation for that parcel.
- 3. A Vendor shall not be permitted as an accessory use to a stand-alone parking lot.
- 4. A Vendor cannot utilize, or be located on, parking spaces required for the primary use at that property.
- 5. A Vendor cannot be located on a vacant, undeveloped parcel or lot.
- 6. A Vendor must be located on a paved concrete or asphalt parking surface.
- 7. A Vendor cannot interfere with access, aisles, circulation, driveways, or fire lanes and hydrants.
- 8. A Vendor cannot interfere with pedestrian movement or create a pedestrian hazard.
- 9. Vending on private property within two-hundred feet of a residential zone is permitted only through the provisions of a Conditional Permit to Operate. Conditions will not be imposed in a manner that unreasonably prevents Mobile Food Vendors from operating solely because they are within two-hundred feet of a residential zone.

9.18.060 Exemption

- A. Any person engaged in Vending conducted in connection with the operations of a state-certified open-air market or an authorized street fair or event under a special event permit, lease, real property license, agreement, or other entitlements issued by the City of Lodi.

- B. Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.
- C. Section 9.18.050 shall not apply to the sale or distribution of any newspaper, flier, or handbill.

9.18.070 Application of Other Laws and Regulations

- A. The provisions of this Chapter prohibiting the stopping or parking of a vehicle shall apply at all times or at those times specified by this Chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
- B. The provisions of this Chapter imposing a time limit on stopping or parking shall not relieve any person from the duty to observe other more restrictive provisions of the California Vehicle Code, this Code or any other ordinances of the City, prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

9.18.080 Condition/Appearance of Site

- A. The site shall be maintained in a safe and clean manner at all times.
- B. No tables, chairs, fences, shade structures, or other site furniture, (permanent or otherwise) or any freestanding signs shall be permitted in conjunction with the Vendor, except as permitted under the Conditional Permit to Operate provisions of Section 9.18.040(E).
- C. Should any other site improvements be needed for on-going Vending operations, the Vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.
- D. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the Vendor is prohibited.

9.18.090 Condition/Appearance of Motorized Food Wagon and Conveyance

- A. The Vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.
- B. Any Motorized Food Wagon or Conveyance used in the course of Vending shall be entirely self-sufficient in regards to gas, water, and telecommunications.

Should any utility hook-ups or connections to on-site utilities be required, the Vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.
- C. The Vendor shall not discharge items from any Motorized Food Wagon or Conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.

9.18.100 Lighting

The Vendor shall install adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties.

9.18.110 Sanitation

- A. All Motorized Food Wagons or Conveyances shall operate out of a Commissary pursuant to California Health and Safety Code Section 114287.
- B. All Motorized Food Wagons or Conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the Vendor of the Motorized Food Wagon or Conveyance shall pick up all refuse generated by such operation within a twenty-five (25) foot radius of the vehicle before such vehicle is moved. No Vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such Vendor.
- C. A Motorized Food Wagon or Conveyance shall comply with California Health and Safety Code Section 114299.5 regarding the availability of adequate toilet facilities for use by food service personnel.

9.18.120 Safety and Security

- A. No Vending shall be permitted except after the Motorized Food Wagon or Conveyance has been brought to a complete stop and parked in a lawful manner.
- B. The Vendor shall install signage in a visible location indicating that loitering is not permitted and customers may only remain on the lot for up to fifteen (15) minutes after receiving their food.
- C. The Vendor shall enforce the no loitering provisions of this Code.

9.18.130 Applicability of Regulations to Existing Business

The provisions of this Chapter shall be applicable to all persons and businesses described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this Chapter into law.

9.18.140 Penalties

Any person violating any provisions or failing to comply with any of the mandatory requirements of this Chapter is subject to the following penalties:

- A. Fines
 - 1. Violations are subject to the Administrative Enforcement Provisions of this code and the fines established in LMC Section 1.10.260;
 - 2. Three or more violations of this Chapter during any one-year period shall be deemed misdemeanors, punishable as specified in Section 1.08.010(B) of this Code.
- B. Suspension/Revocation of Permit to Operate/Conditional Permit to Operate
 - 1. Procedure

In the event of a violation of the regulations of this Chapter, the City Manager or his/her designee shall issue a Notice of Intent to Suspend or Revoke the Permit to Operate. The Vendor shall have the right to request a hearing, as provided in LMC Chapter 1.10, within ten (10) days of

service of the Notice of Intent. If no hearing is requested, the Permit to Operate shall be revoked or suspended upon the expiration of the appeal period set forth in LMC Chapter 1.10.

2. Basis for Suspension/Revocation of Permit to Operate

- a. Any Permit to Operate may be suspended and/or revoked by the City Manager or his/her designee after a review, where it is determined that:
 - i. The Vendor has violated the provisions of this Chapter; or
 - ii. The Vendor has committed any act or engaged in action, which would constitute grounds for denial of a Permit to Operate pursuant to Section 9.18.040(D) of this Chapter; or
 - iii. The Vendor has engaged in fraud, misrepresentation, or false statements in conducting the vending operation or activity; or
 - iv. The Vendor has failed to correct a violation under this Chapter within the time period ordered by the City; or
 - v. The Vendor has operated or continued to operate without a Permit to Operate or after a Permit to Operate has been suspended or revoked.

3. Basis for Suspension/Revocation of a Conditional Permit to Operate

- a. Any Conditional Permit to Operate may be suspended or revoked for:
 - i. Any of the basis to suspend or revoke a Permit to Operate set forth herein; or
 - ii. Any violation of the terms of the Conditional Permit to Operate.

9.18.150 Enforcement

The provisions of this Chapter may be enforced by any peace officer, or the Director of Community Development or his/her designee.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty (30) days from and after its passage and approval.

Approved this 1st day of August, 2007

BOB JOHNSON
Mayor

Attest:

RANDI JOHL
City Clerk
=====

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1800 was introduced at a regular meeting of the City Council of the City of Lodi held July 18, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held August 1, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1800 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL, City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By _____
JANICE D. MAGDICH
Deputy City Attorney